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The Washington Monthly

JULY 1972/ONE DOLLAR

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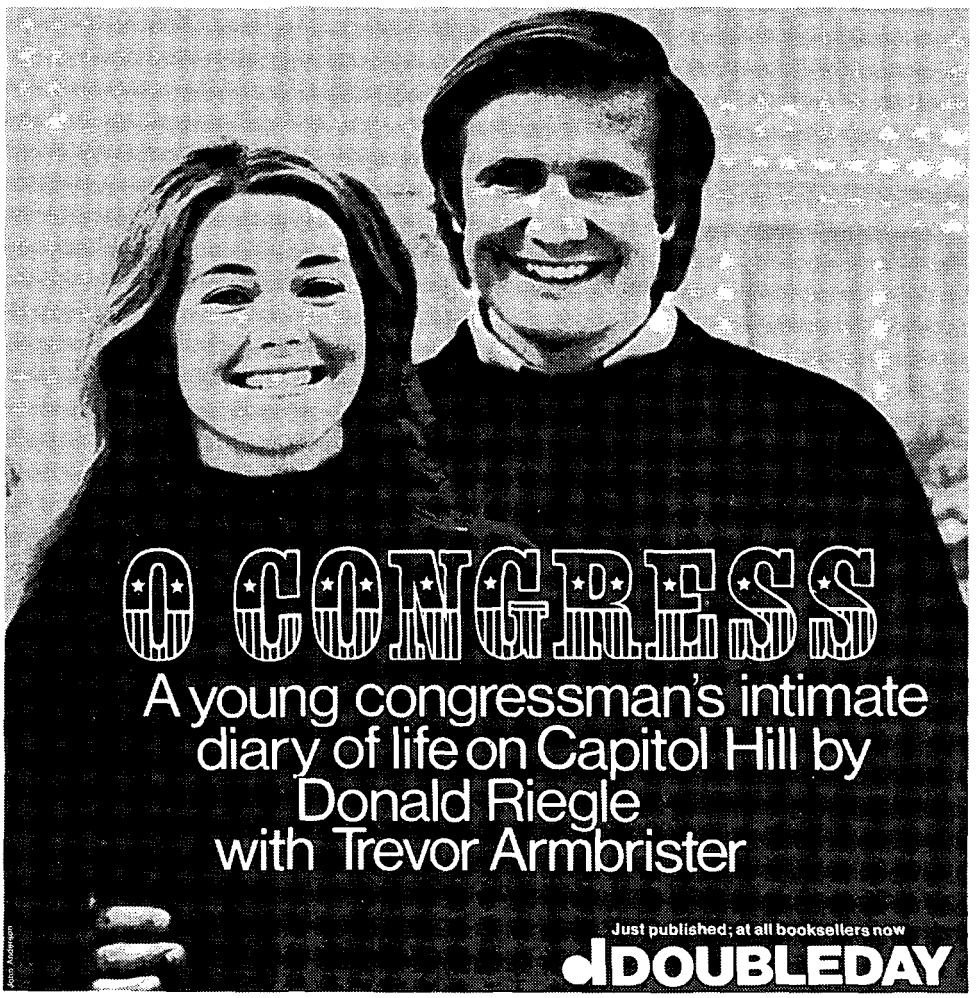

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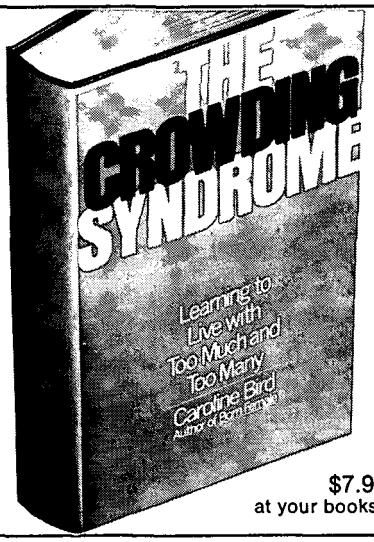

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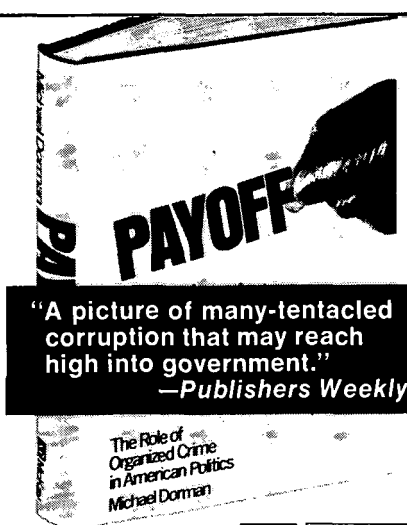

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JULY 1972

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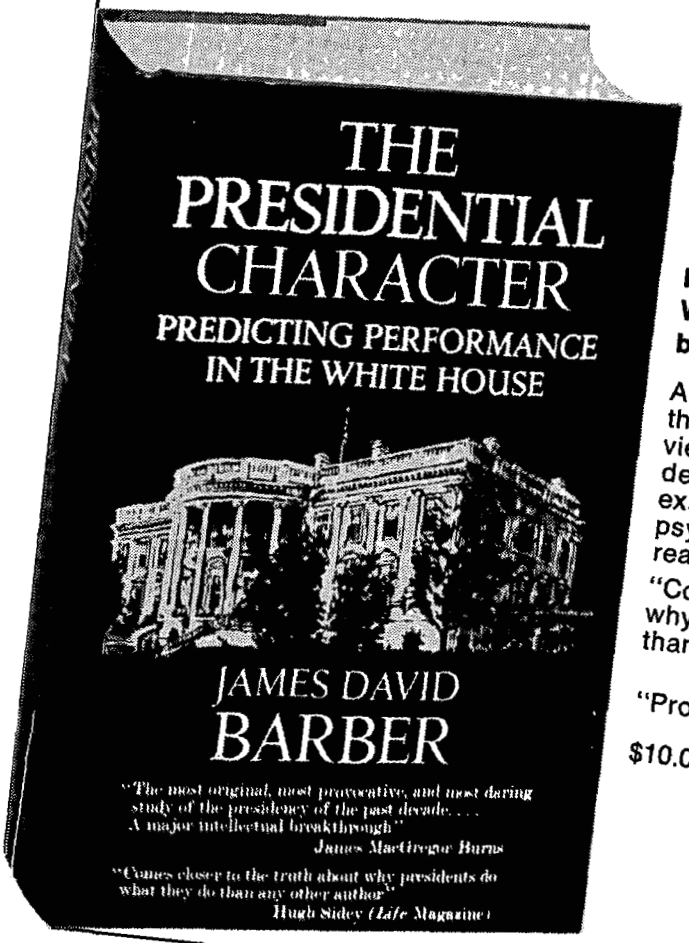

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Following the Rules with Dita and Dick

by James Boyd

On February 29, 1972, Jack Anderson published a confidential memorandum written by International Telephone and Telegraph (ITT) lobbyist Dita Beard to her immediate superior, Vice President W. R. Merriam. The memo had been occasioned by an inquiry from the White House: Was ITT's contribution to go directly into President Nixon's campaign chest, or to the Republican national convention? The tenor of Mrs. Beard's written response was one of protest that security had been violated. "Other than John Mitchell, Ed Reinecke, Bob Haldeman, and Nixon (besides Wilson, of course) *no one* has known from whom that $400,000 commitment had come," she wrote. She went on to remonstrate about loose talk between secondary figures at ITT and the White House. "John Mitchell has certainly kept it on the higher level only, we should be able to do the same." She then reported that the $200,000 commitment* had "gone a long way" toward getting the Justice Department to settle the antitrust suits on terms agreeable to ITT. But "if it gets too much publicity you can believe our negotiations with Justice will wind up shot down. Mitchell is definitely helping us but cannot let it be known."

All the media jumped on this expose, but we at *The Washington Monthly* had a special interest. Our fascination was not so much in the revelations as in the initial responses of ITT and the GOP. For way back in 1970 we had published a plan of legal and public relations defense expressly designed for victims of Jack Anderson ("The Ritual of Wiggle: From Ruin to Reelection," September, 1970). It contained 23 recommendations and described 88 historical precedents of their successful use, arranged seriatim.

Readers will remember that the Plan was intended to aid the poor mountebank of the sort that abounds

James Boyd is a contributing editor of The Washington Monthly.

*There was conflicting testimony throughout the hearings about whether the amount of the pledge was $200,000, $400,000, or $600,000. President Geneen of ITT admitted the $200,000, and we are using his conservative figure.

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in Congress, the lone entrepreneur of limited resources suddenly caught red-handed by the press and confronted with the vast apparatus of the State. We had thought to equalize the contest by furnishing the accused a compendium of the ruses and dodges used over the years by gifted predecessors. We had warned that the first hazard to avoid was the initial tendency to panic, or as the Plan stated it:

Usually it begins on the telephone. Senator X phones his office one morning and young Foster tells him in a squelched voice that Jack Anderson has exploded a stinkbomb in his 600 newspapers—the slush fund, the Swiss bank account, the works. . . . Helpless tears come and hysteria ferments. It is the moment of maximum hazard to a political career; a too defiant denial, a tell-tale dodge, an injudicious admission can in a flash proliferate into a major investigation and undo 30 years of patient conniving. (p. 29)

In Dita Beard's case, the phone call came directly from Jack Anderson's office—in the person of assistant Brit Hume. He held in his hand one of her memos, he said, and the age-old drama recommenced.

Dita Davis Beard was not normally a weak sister. Lobbyist-in-chief for the most predatory corporation in the world, she was at 53 a tough, ribald operator who had made a career out of manipulating high politicians. Husky voiced, amply built, she cursed, drank, hunted, rode, and lied like the men of her station. She is a woman who was once engaged to three men at the same time, who used up two husbands, and raised five children by herself. But there was more to her than brass, courage, and experience of the world. She had spunk, judgment, and perception—enough to describe ITT President Geneen, in a company memo, as a double-dealer with a big mouth; enough to publicly deride U. S. Senators as a "bunch of little bums," and to see through the feared antitrust posturings of Assistant Attorney General Richard McLaren as so much "mickey-mouse," not worth worrying about.

Credit the shock wave of an Anderson expose that this harridan was reduced to the standard reaction we had warned against: She panicked and placed her fate in the hands of her ITT superiors, weak men who caved in too. "Our Washington and New York offices were Panicksville," Mrs. Beard later recalled.

Instead of calming her, they traumatized her by hinting she was to be cut adrift. Then they pushed her over the precipice, forcing her to meet with Anderson's man to attempt to con him out of publishing. And so she awaited the approach of the Monster's legman in disarray, with only a garbled sense of her mission.

The Plan prescribed two general rules for such situations. She used one, but in the wrong context; the other she violated so terribly that only perfect adherence to it by the other major defendants prevented an irretrievable disaster. But we rush ahead. The rule Dita used, ill-betimed, was:

Abandon all dignity and beg for mercy. (p. 41)

Maybe she thought being a woman in distress would help; by her own statement, she was steeped in hysteria, liquor, and drug pills when Hume arrived. Teetering and disheveled, she wept that her future was at stake and with Wagnerian importunity placed her existence in the hands of the gentlemanly Hume. The Plan, however, intended such performances for carefully-screened juries, or congressmen, or others who naturally identify with defendants. It is all wasted on Anderson and his jaded men, who are accustomed to having tycoons, senators, and cabinet types appear before them, at the 11th hour before publication, with the most harrowing of pleas: their families, their careers, their health, the national interest are always at stake, all because of just one little inadvertence; invariably they weep—actual tears. To Anderson, kind and sympathetic in his private capa-

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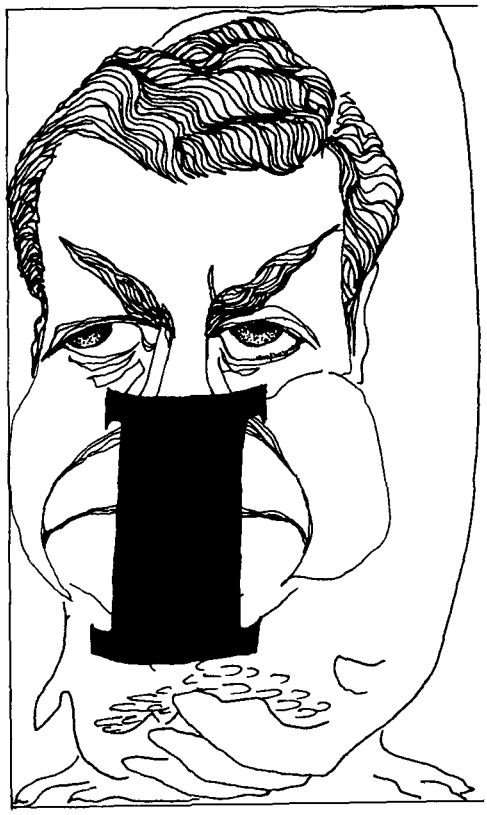
cities, this sort of thing is just ritual to be gotten through, and he is no more deterred by it than is a surgeon by the sight of blood. His apt pupil, Hume, persisted with remorseless questions, and it was here that Mrs. Beard did inestimable violence to the Plan, which advises:

Admit nothing until you know the worst. (p. 30)

By the time Mrs. Beard was through pointing out the harmlessness of her memo, she had not only confirmed its authenticity, line by line, but had also given up those further revelations that transmogrified an embarrassment into a vintage Anderson-esque drama: the ITT Gestapo invading Dita's office with a document shredder and destroying before her eyes the record of her life's work; the Derby Day conference with John Mitchell at Governor Nunn's mansion, complete with mint juleps; the abandonment and betrayal of poor, widowed Dita by ITT superiors.

We saw other signs, however, that our recommendation was being followed to the letter at the higher levels. From the start, the top defendants at Justice, ITT, and the White House were uniformly admitting nothing until the full scope of what was known and provable by Anderson could be determined; selective admissions could then be made, but for now—nothing.

At the White House, Peter Flanigan's secretary told *The New York Times* that he was out of the office temporarily; he did not return the call. At ITT, President Geneen, too, couldn't be located, but ITT put out a statement: "There was no deal of any kind to settle our antitrust cases." At Justice, Attorney General Mitchell merely pointed out that he had long ago removed himself from any connection with the antitrust case, and he added, "I don't know the faintest thing about the Convention financing. . . ." Mitchell's designated successor, Richard Kleindienst, was unavailable, also. But a previous Kleindienst statement was available for



quotation, claiming that he, too, had had nothing to do with the suit settlement, which "was handled and negotiated exclusively" by McLaren and the Antitrust Division. McLaren closed the circle by confirming to the press that he alone had handled the litigation with ITT without any involvement by Mitchell, Kleindienst, or the White House.

But failure to instantly communicate the Plan to fringe figures undermined this performance at the top. A young economist named Richard Ramsden informed the press that he had worked on the ITT case, and had operated not through McLaren, but through Flanigan at the White House. Lieutenant Governor Ed Reinecke of California blurted out that he had briefed Mitchell fully on the ITT convention gift way back in May, just before the suits were settled. An ITT director, Felix Rohatyn, had already told Anderson that he had conferred several times on the settlement, not with McLaren, but with Kleindienst.

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And Congressman Bob Wilson of California was at that moment telling the *San Diego Union* that President Geneen had negotiated the $200,000 offer personally and that the famous memo had indeed been written by Dita Beard and received and read by Vice President Merriam.

Each of these careless admissions created headlines and stimulated a hundred reporters to search for more. Spontaneous, uncontrolled investigation of this sort is the most dangerous thing that can happen at this stage. We had a proposal for defuzing that danger, channeling it, and bringing it under control:

If newsmen persist, bolder moves are advisable: issue a statement requesting an official investigation. (p. 38)

A scheme of defense operates at its best when there is the least appearance of contrivance: its coups should always appear as the inevitable results of natural causes. It now seems inevitable and natural that the Beard furor should have been resolved by a Judiciary Committee probe of Richard Kleindienst. No one asks why it took that form. But now that the proceedings have been concluded, let us for once see that the legal strategists get due notice.

The Beard memo and the admissions it flushed out embraced a number of felonies that lay in the jurisdiction of several different Senate committees and subcommittees, and several more in the House—some of them unfriendly to the Administration. A dozen persons were seriously implicated, including an Attorney General, five White House aides, an ex-governor, a lieutenant governor, a congressman, some officers of the Republican National Committee, several corporate officials, and various subordinates at the Justice Department. Kleindienst, the deputy to Attorney General Mitchell, was not mentioned in the Beard memo; nor did he figure at all in the disclosures by Reinecke or Ramsden or Wilson. If it does not seem strange, then, that the sole official response to massive pressure from the press was a probe of Kleindienst by the Senate Judiciary Committee, it is testimony to artifice of a consummate order.

The given explanation is that Kleindienst asked for the investigation, to clear away any cloud that might be over him before taking office as Attorney General; and that since the Judiciary Committee had held his confirmation hearings, it was the natural group to hear his explanation. The specific issue that Kleindienst asked to be heard on was: Had he lied to Democratic National Committee Chairman Larry O'Brien when he wrote him that McLaren had "handled and negotiated exclusively" the ITT settlements? Realists will consider the many other clouds over many other heads that were now to go unexamined while Kleindienst defended his grammatical use of the word "exclusively."

Our conjecture is that by offering up Kleindienst, who was expendable, the heat was taken off people more vulnerable and closer to the President. The advantage of focusing the inquiry on Kleindienst's fitness to be Attorney General, rather than on someone's criminal guilt, is obvious. If he is confirmed, all are vindicated; if he isn't, he suffers alone; the offender is removed, the public appetite is satisfied, and the rest is forgotten. And having the Judiciary Committee as the tribunal has many advantages.

The committee had already approved Kleindienst 13-0 and had a ready-made majority for him. It is not a group of men noted for its sensitivity to impropriety. Ten of its 15 members have themselves been the victims of exposes by Jack Anderson: Eastland for profiteering from agricultural subsidies; McClellan for using his political clout to promote his banking interests; Hruska for investments in pornographic movies and for being in bed with the drug industry; Fong for nepotism and for having as his chief aide a man who used that

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office to solicit a $100,000 bribe; Scott for aid and comfort to the influence peddler, Julius Klein; Byrd for junketeering around the world at taxpayers' expense; Gurney for taking contributions from neo-Nazi fronts; Cook for sabotaging campaign-spending reform; Bayh for vacationing in Florida at the expense of special interests; Kennedy for Chappaquiddick It would be difficult to conceive of a jury with as much reason for personal hostility toward a claimant as this group had with regard to Anderson, whose professional reputation was now on the line.

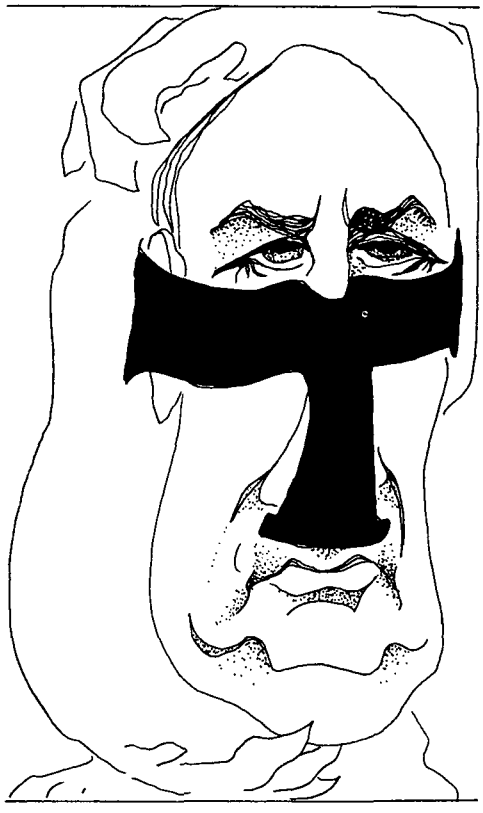
The investigation, then, was in favorable hands; both its majority and minority leaders judged that one day would be enough to establish the nominee's fitness.

On the ITT wing of the defense, the Plan was being interpreted with less skill. One of the Plan's key recommendations was intended for victims of less than major prominence, who can often ride out a scandal just by disappearing for a while. And so the rule:

If it looks like a one-shot affair, hide till it blows over. (p. 30)

This rule presumed an implicit subtlety: in the hour of accusation an official might drop out of sight or otherwise avoid being drawn onstage until, with no fresh winds to feed upon, the tempests would subside. What could we make, then, of the headlines announcing that Dita Beard had become a fugitive from justice, hunted in five states by 24 FBI agents? "Where I am going they won't be able to find me, and I won't be able to talk to them," Mrs. Beard told Congressman Wilson. Sound principles were being literalized to death.

ITT had several days to manufacture the disappearance of Mrs. Beard; at least 10 days passed between the time they learned that Anderson had the memo and the issuance of the first subpoena. Long before publication, Dita could have been whisked to one of those sanitariums that Supercorporations maintain for overworked or troublesome executives. Better still, she could have been flown to a remote ITT outpost in Africa or Asia where telecommunication with the West is still spotty—there to dedicate an infirmary or other charitable work of the company, then to be stricken with an exotic bug that would hospitalize the angel of mercy, beyond the feeble reach of the Senate Judiciary Committee, until the flap had petered out.



As for the Beard files, there were alternatives to chopping them up in desperation. The company could have turned them over to the FBI in a grandiose pretense of openness, all the while knowing the papers would automatically become part of the Bureau's "investigative files," and thus pass beyond the reach of any private or public person. They would never be seen again, yet ITT would be credited with having done the right thing, proving it had nothing to hide. Or, ITT could have arranged to have the files "stolen" and then turned over by

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an anonymous thief to the Senate Judiciary Committee. The committee, on an 11-4 vote, would undoubtedly have impounded the files on the grounds that the Senate must not use documents obtained illegally. (Remember that the celebrated Dodd files were turned over to the FBI and the Senate in 1966 and have been under lock and key ever since.) There are other methods for hiding damaging witnesses and incriminating papers; half the procedures of the government seem dedicated to that end.

At least the business of the files was done and over with; but Dita's flight continued, placing her associates in increasing jeopardy. No legal plan that does not take into account the mistakes of clients, however, is worth much, and our Plan had a bail-out provision to cover even this situation:

Feign illness and a sort of stunned vacuity, as if the indignity of it all is too much for your sensitive nature; this glazed mien is a must as groundwork for a convincing loss of memory when you take the stand. Loss of weight, a sickly pallor, a cane, the general look of a man about to break, are mandatory if one is to create the "hasn't he already suffered enough" atmosphere. (p. 41)

The reader cannot appreciate the process that transformed Dita Beard from termagant to invalid unless we jump ahead of our story six weeks to April 15. On that day a statement was released by Drs. Joseph Snyder and Ray Pryor, two Denver cardiologists chosen by the president of the Denver Medical Association to make an independent examination of Mrs. Beard. The specialists said they could find no evidence of heart disease. "There were no positive findings from a physical examination, electrocardiogram, or chest x-rays." The only indication that Mrs. Beard had a heart condition, they said, was based entirely on her own descriptions of chest pains, "which is subjective information."

When we left Mrs. Beard on March 3, the FBI was in hot pursuit—watching airports, trailing her children, staking out her pharmacists. Yet, even as she fled across the continent, omens began to issue of a more skillful strategy than mere escape, a strategy according to the Plan. A clairvoyant on the Judiciary Committee staff told *The New York Times* that "Mrs. Beard was seriously ill and unable to testify." *The Washington Post* elaborated, saying that sources close to the committee revealed that she "has a heart ailment and is under the constant care of her personal physician." The *Times* then escalated the prognosis: Mrs. Beard "has suffered from a chronic heart ailment." Then an airline reported than an unidentified woman, who might have been Dita Beard, had a "spell" on board a plane to Denver and asked for oxygen, but when the plane landed she refused medical treatment, saying, "I don't need a damned doctor," and disappeared. It was as though mystic hands were guiding an insoluble dilemma toward its only bearable solution.

The official report that Dita had been admitted to the cardiac unit of an osteopathic hospital in Denver was anti-climactic. It came via ITT, from Dr. David Garland, an osteopathic physician, who would not reveal how Mrs. Beard had come into his hands, except to say it was through "friends." Dr. Garland's statement was a chiller. Mrs. Beard was suffering from "angina pectoris, an insufficiency of arterial circulation to the heart." Her condition was "serious. . . not even her family has been allowed in the room. We are trying to prevent a coronary thrombosis right now."

To the lawyer's eye, the only hard information in that statement was that Mrs. Beard was experiencing chest pains, which can be subjective data. But press stories began to appear saying that Mrs. Beard had had heart trouble for nine years. A major gossip columnist printed a journalist's recollection of how he had personally assisted Dita Beard during a previous heart attack she had suffered on a

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plane. By the time the photographs appeared on the front page showing Mrs. Beard with oxygen tubes in her nose and wires leading from her person to a menacing machine, with doctors poised to plunge into emergency treatment at the first untoward flutter, she was the most authenticated heart patient in America. All traces of the FBI had vanished; it was an admirable beginning.

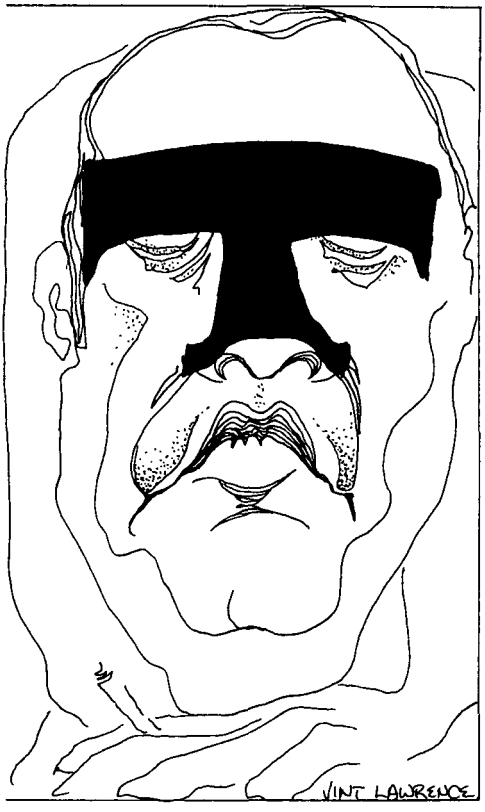
But what to do with her now? At the moment she was isolated in the coronary ward, but one of two decisions must be made by the ITT-GOP defense: either destroy the credibility of the Beard-memo, or destroy the credibility of Mrs. Beard.

The first alternative was preferable, but that would require Mrs. Beard either to deny or to recant the memo. ITT persuaders were at work on her, but crucial days had passed and she had not denied the memo; on the contrary, the list of people to whom she had authenticated it was lengthening—ITT officials, Brit Hume, Congressman Bob Wilson, and most recently, her doctor, Victor Liszka. Worse, there were indications of bad blood between her and rival executives at ITT, the kind of venom that sometimes rises above material considerations. Thus, she must be regarded as potentially the most damaging witness and dealt with accordingly. The Plan had a rule for this extremity:

The scapegoat is the sine qua non *of all major political scandals. . . . Once the case reaches the hearing room or the courtroom, a personal scapegoat must be arraigned—the chief witness for the state.* (pp. 37-38)

The Plan provided examples in which chief witnesses of the past had been successfully maligned; in the present case the application was obvious: the memo must be seen as the fantasy of a neurotic, alcoholic, drugged paranoid, who was subject to making statements that bore no relation to reality.

The makers of such charges against



Mrs. Beard should be as remote from the defense as possible; ideally, they should be old friends of hers. A doctor would be perfect, but could a doctor be found who would commit such mayhem upon the reputation of his patient? When Senate Judiciary Committee Chairman James Eastland told the press that we would soon be hearing from "surprise witnesses," who would clear things up, we assumed that the requisite old friends were primed and ready. They turned out to be her doctor, Victor Liszka, and former Governor Louie Nunn of Kentucky.

For several years, Dr. Liszka said, Mrs. Beard had been drinking excessively when under tension and had suffered from periodic "distorted and irrational behavior."

The good doctor laid the scientific base: Her "irrationality," which sometimes affected her thought processes, and her actions and sentences, could be caused by the heart's failure during a sudden attack to pump enough

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blood to provide oxygen for the brain. At such times, "her thoughts do not flow in logical order. She would become so disoriented that she would be incapable of a legal act, such as signing a will or a contract."

One could sense Dr. Liszka shifting gears and moving into high.

She was "mad and disturbed," he said, when she wrote the memorandum. "Having lost the facility of judgment—putting things together in an uncontrolled fashion—she could have written an inaccurate memo."

The next morning, Senator Marlow Cook asked leave to interrupt the regular order and bring on former Governor Nunn who was "eager to be heard." Nunn was the host of the party at which Mrs. Beard had claimed to have negotiated with Mitchell about the ITT suits.

Mrs. Beard was an old acquaintance, Nunn said, who drank heavily and had become "obsessed" about losing her job. Bellicose from booze, she repeatedly pursued Mitchell, who never left Nunn's side and who rebuffed Mrs. Beard for her importunities. Then Mrs. Beard collapsed in a stupor, Nunn testified. As agile as Dr. Liszka was with diagnoses, he attributed her collapse to a combination of exhaustion, her heart ailment, and alcohol. They "laid her out on the floor," Nunn said.

Thus was the low estate of Mrs. Beard when her two old friends finished testifying. To Kleindienst, this explained everything. The only implication of misconduct, he said, "is in a memorandum written by a poor soul —it's just a sad situation."

But an insensitivity to overkill, sloppy staff work, and a lack of cohesion in the ranks poisoned the victory that was within grasp. Gentlemen were repelled by the sins against chivalry. Doctors, who normally don't contradict a colleague no matter what he says, were appalled by Dr. Liszka's facile solution to the memo problem. Dr. Campbell Moses, medical director of the American Heart Association, said it was "nonsense" and added sarcastically that nobody writes memoranda during an angina attack.

Then it turned out that the accommodating Liszka had been on the payroll of ITT, that he was being investigated by a federal grand jury, as was his doctor-wife, for Medicare frauds (Liszka was later cleared, his wife indicted), that he had conferred with the Justice Department before his testimony, and also that he had reported to ITT for years about Mrs. Beard's health without ever mentioning any emotional problems. Nunn, too, was rendered a dubious witness when it was revealed that he had first told the press that he could not remember if Mrs. Beard had been at his party, or whether she had talked at all to Mitchell.

The crowd seemed to be on Anderson's side when he said, "ITT is planning an all-out effort to discredit Mrs. Beard as a crackpot and a drunk. But we urge the committee to remember this: Until this memorandum leaked out, Mrs. Beard was regarded as one of the most powerful lobbyists in Washington."

The attack on Mrs. Beard had backfired. The memo itself must be made the scapegoat—and before that could be attempted, Mrs. Beard would have to be rehabilitated.

What must be changed, first of all, was the announced intention to release Mrs. Beard from the hospital, whereupon she would be brought back to Washington under subpoena to testify, thus reviving the old images of flight and of the Liszka and Nunn testimonies. Time was needed so that a new and sympathetic image could grow and take hold. For such contingencies the Plan recommended that once a defendant has established an illness, all adversary proceedings by the State should take place right in the hospital.

That way, you will be constantly attended by doctors, and subsequently remembered, not as a jailbird, but a patient. (p. 41)

We were not surprised, therefore,

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by the announcement that Mrs. Beard would be hospitalized indefinitely and that the committee would have to either interview her by mail or come to the hospital for a rigorously controlled session, designed to avoid upsetting the patient.

A promising new figure had taken charge at Denver, a young lawyer named David Fleming, whose deficiency in suavity was compensated for by the gusto he brought to the task of recasting Mrs. Beard from a "poor soul" into a stricken lioness. Previous reports of her Red Cross days in World War II, for instance, were in terms of the whiskey bottles in her suitcase and skyriding on the laps of malingering pilots. Fleming's version was that of a fearless heroine, dragging wounded pilots out of burning airplanes. The failing employee obsessed with fears of being fired was now seen as the victim of a frame-up by jealous ITT rivals resentful that she had eclipsed them. The absconding witness appeared as a righteous mother, zealous for her and her family's honor, "extremely anxious to testify," lying in wait for senators who were now afraid to face her in Denver. "They obviously don't want her to testify," charged the unabashed Fleming. "It's totally political. They're frankly afraid of hearing the truth. . . . "

Fleming arranged public performances for Mrs. Beard with CBS and *Time*. The counterattack was on; the memo itself, whose authenticity she had left unchallenged for almost a month, would be the target for demolition. The tip-off came when Fleming started referring to it as "that alleged memo." He let a week pass, for reentry adjustments, during which there were general denials of wrongdoing, with rumors of a surprise to come. Then Fleming issued, through the ever-helpful Senator Hugh Scott, a statement branding the famous memo as a forgery, a fraud, and a hoax.

So high had Mrs. Beard risen in GOP esteem in the two weeks since they had presented her to the world as a dipsomaniac, that her word alone was now held to be definitive. Unless she were permitted to testify in the hospital and clear everything up, Senator Scott threatened to boycott "that circus. . . based on fraudulent documents." But for less committed judges, more proof than Dita's word would be needed. Our Plan had a proposal for just such an impasse:

Employ the "partial expert"—the hired C. P. A. to give a tidied statement of your net worth, the paid handwriting expert to testify that it was not *your signature after all, the tax consultant (retired) who will swear he told you not to list those testimonial purses.* (p. 41)

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Every big political scandal eventually produces the paid expert, and in doing so reveals to the public exotic fields of expertise that were heretofore little known. The first use in this case was when ITT Vice President Aibel formed a "panel" of four ITT lawyers to investigate the matter of the shredded documents and to ascertain if any papers had been destroyed that the Senate or any other government agency might have otherwise subpoenaed; the panel duly reported back its opinion that no papers in that category had been destroyed.

We knew what was coming, because for days before Mrs. Beard disowned her memo, Attorney Fleming had been speaking mysteriously of documentary proof he would soon offer that would blow the case wide open. Then, on March 25, ITT announced that "document experts" hired by it and operating independently of one another had branded the Beard memo a fraud. They were Mrs. Pearl Tytell, a handwriting expert, and Dr. Walter McCrone, a chemist. They had made "microscopic, ultra-violet flourescence and highly sophisticated microchemical analyses," and concluded that the June 25 memo printed by Anderson had to have been typed on a date later than June 25, six months later, in fact. Therefore, the famous memo was scientifically proved to be a hoax.

Under different circumstances, this exhibit might have had a telling effect. But the spirit of skepticism needlessly aroused by the document shredding, the flight to Denver, and the long wait before disavowal of the memo, would continue to rob every device of half its impact. *The New York Times* immediately got in touch with a recognized document authority, Ordway Hilton, who disparaged the findings of ITT's analysts, saying the methods they used would not have accurately dated the memo and "there has been no basic research on which to base this sort of conclusion." Then Robert Walters of the *Washington Evening Star*, who almost daily had undermined the confederates' most promising stratagems, wrote a piece about ITT paying Mrs. Tytell $1,000 a day and about previous debacles involving Dr. McCrone, including an unfortunate statement by a federal judge that McCrone had given answers that "tend to impeach him." The FBI added to the confusion with its own analysis, which backed up Anderson. Finally, Anderson took a step which might end the "partial expert" device altogether. He presented to the Judiciary Committee the results of five lie detector tests undergone by Brit Hume which flatly contradicted the statements of Mrs. Beard, the ITT panel, and the microchemical authorities, and he challenged others to take the same tests. Chairman Eastland did not admit the tests, of course, but even the threat to intrude direct factual confrontation into a field that thrives upon vagueness and built-in escape hatches will tend to curtail the future use of exotic expertise.

The hospital gambit, however, was working well. Propped up like the Queen Mother, surrounded by attendants and ministrations, Mrs. Beard regally awaited the interview by senators, who were intimidated into hushed deference by all the medical trappings. Her extrication from all legal danger was near at hand.

After a period of soft and inconclusive question, she fell backward, moaning, her face contorted, her arms outstretched to her doctors. The senators cleared out, like abortionists at the first sign of a mortal fiasco. Fleming bounded out to the press, muttering darkly of a "near massive heart attack" brought on by vicious, unworthy men. Her doctor lost no time in pronouncing a life pardon:

"She will probably never be able to testify as long as she lives."

As it turned out, Dita Beard was on television a few days later and would soon check out of the hospital. But there awaited her, instead of renewed testimony and possible perjury charges, only a long and

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pleasant sabbatical.

Only a minor flaw or two detracted from Fleming's audacious performance. It was important to appearances that the new Mrs. Beard be regarded as acting independently and not in collusion with anyone; but Fleming failed to cover his tracks in places, and it was needlessly revealed that he was on the ITT payroll and in cahoots with the Republican Party. Fleming had written a letter to ITT demanding $15,000 (successfully) as his starting fee for taking on Mrs. Beard, and it got out, too, that his Washington office was also the office of the Republican National Comitteeman there, attorney Carl Shipley. Further, shortly before the "tragic" hospital room confrontation with the Senate, Fleming had been seen discussing strategy with Republicans on the Judiciary Committee. He can't be faulted for not being able to hide his office address, but a little trust between allies, a little class, would have permitted *verbal* haggling with ITT, which would not have left a paper trail; and surely by now ways must be known by which lawyers can have meetings with Hruska and Scott in places where they will not be observed.

With the rescue of Mrs. Beard, the gravest danger had now been avoided; vulnerable witnesses and threatening documents could be sealed off, and politicians protected, by other stratagems of the Plan.

If the accused politician were an ordinary criminal defendant, he would have no need of our Plan; he could take the Fifth, claim insanity, turn state's evidence, plea bargain, or indulge in other devices of the guilty. But the cabinet member or corporate manipulator wants more than merely to stay out of jail; he wants to stay *in* office. And he wants to retain the esteem of that segment of society which still honors our governmental and corporate rulers. To do this he must maintain a semblance of credibility which would be dented if he were to plead insanity. No—to survive as a viable public figure he must, when accused, appear to be boldly confronting his accusers with all the candor of one who has nothing to hide.

Confess to what is known [by the other side], evade what is unknown. (p. 30)

As noted, right after the Anderson blast each of the principal accusants—Kleindienst, Mitchell, McLaren, Geneen, and Flanigan—issued *pro forma* denials of all improprieties ascribed to them.

Oftentimes that tactic alone will cause a scandal to peter out for lack of nourishment, especially if the accused parties control the law enforcement machinery. But, because of the indiscretions of lesser figures, matters had deteriorated to a more critical phase, in which the principals were called upon to testify. Inevitably, between the early denial and the first testimony under oath, a certain corpus of facts will come out which discredits the original disclaimers. That is to be expected and should not cause alarm. The new tactic, consistent with the old, is to admit to all that has been found out since the first denial, *but admit to nothing else.* During the hearings, the other side will undoubtedly come up with a few new embarrassments. If so, after "refreshing our memory" or "consulting our records," admit to these too, but to no more. The idea is to give nothing free to the other side; make them carry the entire burden of digging out the truth. Nine times out of ten they will not be able to do it, especially in situations like the present, where the accused side has all the sensitive papers classified and can prevent the most vulnerable witnesses from testifying at all.

Such was to be the pattern of the ITT-GOP testimony when the hearings began. The mission was to deny that any Administration figure had participated in both the suit settlement and the solicitation of the $200,000—or even knew about both. As the hearings opened, the public posture of

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Kleindienst, Mitchell, and Flanigan was that they had nothing to do with either activity; only McLaren had taken part in the settlement and he, like the other three, hadn't heard a whisper about the $200,000.

Kleindienst led off with the burden of defending his statement that he had neither negotiated nor handled the ITT cases. As the other side trotted out example after example of ITT and Administration figures Kleindienst had dealt with on the suits—Ryan, Walsh, Rohatyn, Flanigan, Solicitor General Griswold, Ramsden—the unabashed nominee merely confessed to what was now known and kept evading the unknown. The opposition could prove that meetings had taken place, but they could not know what was *said* at the meetings, and on this Kleindienst remained inscrutable—he had conferred, he said, but he had not negotiated or handled.

McLaren started out with the position that he had never been in any way pressured by the Administration to agree to the pro-ITT settlement that finally emerged; he left the clear impression that Kleindienst's only role was to approve the settlement McLaren had worked out; he testified that he had no recollection of even discussing the ITT affair with Peter Flanigan or anyone else at the White House. It was handled strictly by the book, as an internal matter within the Antitrust Division. Then, down around the righteous McLaren's ears came tumbling all the facts about Kleindienst's many interventions: a meeting presided over by Kleindienst where ITT officials lectured McLaren and his aides on the horrors McLaren's announced course of action would cause; a delay in filing suit in the Supreme Court, arranged by Kleindienst and Griswold without a by-your-leave to McLaren; the recruitment and instruction of Ramsden, McLaren's key financial consultant in the case, not by McLaren, but by Flanigan.

McLaren readjusted to the facts. He confessed to the known ("It now appears that I requested Mr. Flanigan to secure the services of Mr. Ramsden"). Only he could know what pressures caused him to reverse his position on the ITT matter, and he wasn't admitting to any.

Among ITT witnesses, President Geneen was granted the same peak of Olympian isolation from dirty details that was accorded Mitchell on the GOP wing. Geneen has a reputation for almost demonic mastery of the operations of his empire, but on these matters he seemed terribly out of touch. He knew nothing about the document shredding, nothing about Mrs. Beard's memo. He had been unable to find a single ITT executive who had heard of it or read it prior to Anderson's story.

It fell to ITT Vice President and General Counsel Howard Aibel to defend the shredding of those sacks of ITT papers. Aibel has a handsome face, lighted by a roguish glint of perceptivity that denotes a capacity for amusement at the preposterous antics his post sometimes requires of him. The sacks of documents, he said, contained "tourist brochures, newspaper clippings, speeches, and drafts of legislation"—nothing of the sort that would link ITT's gift with the Justice Department. The company was just pursuing its standard "record retention policy," which seeks to combat "man's squirrel-like instinct to keep everything." The people helping out in the shredding didn't even know about the Beard memo, except for two, he said, a number that increased to five as the day wore on.

Geneen observed our rule, too, and even improvised effectively. For many days, while the Administration was pushing its "McLaren handled the ITT negotiations exclusively" version, Geneen had kept his silence about his personal role in going over McLaren's head to lobby ITT's position with top Administration figures. Then, shortly before Geneen was to testify, the *St. Louis Post-Dispatch* named several Administration leaders Geneen had met with during the critical period.

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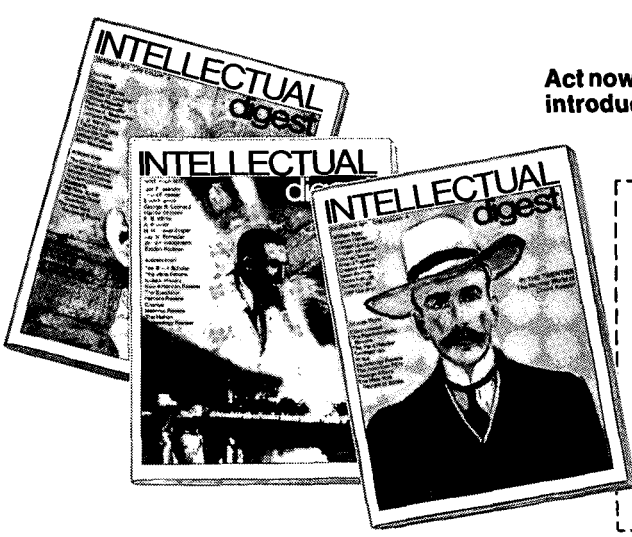

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Geneen immediately released a list of more than 20—including Mitchell, John Connally, Maurice Stans, John Ehrlichman, Peter Flanigan, Peter Peterson, John McCracken, Arthur Burns, and on and on. Since it was out in the open anyway, it was better to own up en masse rather than have the names extracted from Geneen one by one on the witness stand.

John Mitchell, while observing the rule in essence, provided another change of pace, which by this time was needed. His predecessors on the stand would take a position, and when it was undermined by other testimony, they would refresh their memories and then change their position to conform to the evidence—our standard recommendation. But not Mitchell. He would have the conflicting testimony changed to conform to his, which perhaps attests as much to his power as his style.

For instance: After Mitchell told the press that he didn't have the faintest idea about the ITT contribution to the San Diego convention, Lt. Gov. Reinecke, in three separate interviews with three different reporters, said that he had briefed Mitchell on the $200,000 offer in May, 1971, two months before the ITT suits were settled. Ed Gillenwaters, Reinecke's companion at the conference with Mitchell, corroborated this story to still other reporters. But the headlines were to be short-lived. A phone call from Mitchell's office brought Reinecke and Gillenwaters to their senses; the meeting had not taken place until September, two months after the settlement, and ITT hadn't been mentioned.

Similarly, a memo from Justice Department official Jerris Leonard was uncovered directing that an action against a California firm be postponed because Mitchell knew the top people there and didn't believe the charges. Confronted with the memo on the witness stand, Mitchell said, "I'm afraid that Mr. Leonard was entirely mistaken." Leonard couldn't be reached for comment that day, but the next day he agreed with Mitchell, saying he had been "imprecise" in his memo. Incident closed.

All in all, the confederates were making the best of a hairy situation. They hadn't revealed a single convictable fact. Admittedly, the Administration witnesses made heavy weather of it, with their admissions of earlier misstatements and all the "I don't remembers." And the ITT testimony was—even in the view of the favorably disposed Senator Sam Ervin—"the worst presentation I have ever heard." Some pundits took excessive glee from this, snuffling that if the witnesses were to be believed at all, they had shown themselves too stupid and negligent for posts at the highest levels. But sour comment like that missed the larger logic of our rule: Better to fumble around and be thought incompetent than to answer correctly and be found guilty.

The revelation of an incriminating gift is always an embarrassment; to the envious, its existence alone is proof of evil. What decent motive could ITT have for giving $200,000 to the Republican Party? There is no completely graceful exit from this predicament, but we had a rule that the Administration witnesses now found serviceable, if awkward:

Use the "stranger in paradise" routine: You can't help it if good-hearted friends have an urge to shower you with gifts or if lucky fate strews your path with roses. (p. 33)

To use this approach, it was necessary to claim ignorance of the $200,000 which made the San Diego convention a possibility.

This wasn't easy for witnesses who were known to be the core of Nixon's political high command, especially after Lt. Gov. Reinecke said, "Mitchell was, you might say, the political arm of the Administration. It was widely known, then, that it was he who was making political decisions." Also, the Democrats' 1968 Chicago debacle had made it part of the common lore that the choice of a

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convention site is of crucial importance and might even determine the outcome of an election; indifference to such a matter is scarcely credible. Moreover, San Diego was known to be President Nixon's personal choice for his coronation rites; it was his "lucky city"; he was determined to bestow this honor on the folk who had witnessed his early struggles and thereby to give to the convention the proper note of apotheosis. Such monarchical yearnings are not lightly dismissed by underlings. The bidding rules were waived, the competition rigged, and other cities snubbed in order that San Diego might qualify to win.

But San Diego didn't want the honor and wouldn't ante up the required money. Its hotel operators said they were loath to displace respectable tourists for a bunch of politicians; its quiet burghers did not welcome a noisy rabble; its taxpayers objected to their money being wasted. A major rebuff loomed; only outside money could rescue the President's heart's desire.

In such a crunch, it didn't seem too credible that Justice Department politicos like Mitchell and Kleindienst, or White House courtiers like Flanigan could be indifferent; more likely they were all getting the bends over it, until ITT stepped into the void.

To offset this reality, witnesses must claim an ignorance most profound, and stick to it. Kleindienst set the pace; he didn't know anything about the ITT rescue mission, he said, until he happened to read about it in the newspapers, five months after the fact. McLaren first learned of it from the same newspaper stories. Rohatyn, though an ITT director, had "never heard of the pledge of funds for the convention until it came out in the press." Mitchell again went them one better, rising to the pinnacle of invincible ignorance.

"I did not know as of that time and *still don't know* what arrangement the Republican Party had with San Diego or anyone else." But had not Reinecke and Gillenwaters told him all about it in September, if not in May? If so, he immediately forgot, Mitchell said, because "it made no impression on me, I having no interest in it."

But the imperium of President Geneen was demeaned by all this nonchalance. He had been left in the posture of a woolly-head, a squanderer of stockholders' money among heedless men. With a stockholders' annual meeting coming up in three weeks, he couldn't let that stand. The $200,000, he said, was an investment—"a damned good business investment, and not by any means a political contribution." It would boost business for his hotels in San Diego. But ITT had hotels in Miami Beach, too, where the Democrats were convening. Had he made any "investment" in them? No, but there was a difference. The key to the San Diego deal, he said, was that President Nixon was to stay at the new ITT hotel during the convention, thus furnishing "unbuyable publicity."

This version squared Geneen with his stockholders, but it sadly deflated the magisterial presence Nixon had planned to affect at the convention. Now, in his benign processions through the halls, he would be seen by some as a glorified sandwich-board man with no loftier purpose than to promote the tourist trade for ITT.

Presidential spokesman Ronald Ziegler hastened to banish that image, saying, "The President has no plans to stay at the Sheraton." But Geneen responded that if the President didn't appear at the hotel as per the agreement, he would cancel the contribution. With that, the dream of a San Diego convention began to fade. GOP National Chairman Robert Dole began to pooh-pooh the notion that the President had ever considered it. The way Dole remembered it, Nixon favored some Midwestern town, maybe Kansas City. Who'd want to have a convention in San Diego?

The Senate committee seemed to believe the witnesses about their not

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being influenced by the gift. But how could the government account for its total accessibility to ITT? The whole top layer of the Nixon Administration was immobilized for weeks listening to seminars and man-to-man cozenings by ITT representatives. How does one explain such attentiveness?

We had a rule that fit:

Insist that you would have done the same favor for any constituent. (p. 35)

For this to have plausibility, a misimpression had to be corrected. Over the years, the Nixon Administration's accessibility to the public had been unappreciated. People tended to identify its reception of aggrieved petitioners with locked doors, tear gas, mass arrests that were later declared illegal, and remarks from the Justice Department balcony about demonstrations resembling the Bolshevik Revolution. Such impressions had to be dispelled if the public were to believe that the welcome mat for ITT was but an instance of a general hospitality toward all Americans.

The President helped by having Press Secretary Ronald Ziegler remind the nation that the function of White House aides was to hear the complaints of all walks of life. Each witness reflected this benevolence in his testimony and adopted the formula that the more inaccessible he was reputed to be, the more vehement should be his protestations of friendliness to all comers.

Thus Kleindienst, the most personable of the group, contented himself with saying that as "an officer of the government" he had a duty to see people like Rohatyn, even five times. The cheerless Mitchell raised this duty to the level of a blanket invitation. He said that *anyone* who had a legitimate reason could come in and talk over their antitrust problems with him, as Geneen did; he was always willing to talk privately with businessmen about out-of-court settlements. It remained for the elusive Flanigan, emerging momentarily from behind his barricade of immunity, to elevate neighborliness to the status of a constitutional imperative:

> I believe that when people petition their government to redress a wrong, exercising their constitutional right, it is my responsibility to find out whether there has been a wrong, and if so, to attempt to redress it.

The only fault we found here was an unfortunate inconsistency of imagery when the question shifted. Kleindienst, while espousing his duty to meet daily with ITT officers, revealed that he didn't bother to even look at mail from parties representing the public in the same dispute—e.g. Nader lawyer Reuben Robertson, who was contesting the ITT merger in court and who wrote Kleindienst to question the effect of the ITT gift on the settlement of the government suits. It seemed careless of his reputation for accessibility for Kleindienst to have said, "Letters like that are routinely handled by my staff."

Mitchell, too, after enthusing about his open-door policy for businessmen and his availability for philosophical discussions with troubled visitors, slipped out of character as soon as he left the stand. Was it really necessary, on the way to his car, to brush past that reporter while a bodyguard pushed her out of the way, or to respond to her petitions with a gruff "watch your arm" as the car door slammed?

But the confederates knew they were coasting on this one. And although the odor of the $200,000 continued to intrude upon the proceedings, discommoding the witnesses and giving comfort to the detractors of the Justice Department, the Plan had anticipated this circumstance, too:

If at all possible, give the money back. (p. 31)

The history of these things is that it's seldom easy to give the money back. The Republican National Committee started off smoothly enough when spokesman R. L. Herman made a dignified statement that

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while there was no wrongdoing involved, the ITT money could not be accepted after all; it was a matter of proportion. "It would be improper to take such a disproportionate share of the Republican Party's convention needs from a single source."

Lt. Gov. Reinecke, the early apostle of the ITT arrangement, joined in. ITT should never have made the offer, he said. "You have got to play it super-clean and super-safe and just say, "Thanks, but no thanks.' " Governor Reagan then announced the return as a *fait accompli*.

But Phil Phillips, the convention man on the scene in San Diego, demurred from such abnegation. "It's like slapping someone in the face," he said.

This confirmed fears that the San Diego convention was dependent upon ITT's bankrolling. Pressure continued from Washington, but Phillips was faced in San Diego with deadbeats who had never been enthusiastic anyway and who were now in default on their pledges, leaving the host committee $300,000 short. To speed the restitution, the committee turned to San Diego's Big Daddy, C. Arnholt Smith. Smith had raised millions for Nixon in the past and now sent out a pep-talk letter to area businessmen.

But it was not to be. Suddenly Smith himself was the center of a new expose, a *Life* charge that he had used his influence with Nixon to squelch a Justice Department probe of alleged illegal corporate gifts by Smith associates to the 1968 Nixon campaign. Flypaper everywhere. With Smith pinned down, the San Diego locals were helpless. Weeks passed after Herman's lofty directive, but not a cent had been given back.

The only way left to freshen up the hearing room was to move the convention out of San Diego. There would be some camouflage about labor costs and carpenters being behind schedule, and suddenly the convention was going to be in Miami Beach.

Meanwhile, newspaper reporters were still digging up stories, trying to blow the matter up, which encouraged the dissidents on the Judiciary Committee to draw up lists of prospective witnesses. We had provided a rule for trying to nail down an advantage before it eroded:

If partial confession and restitution fail to stem the headlines, arrange a quickie exoneration from a semi-respected source. (p. 32)

An unfair irony surfaces here. Since the retirement of Speaker John McCormack, known for his promptness in squashing investigations into the affairs of public men, the Justice Department itself had become the favorite source of exoneration. A host of misunderstood officials, corporations, and political contributors had been exculpated in recent years by simple statements from the Justice Department that there was insufficient evidence to proceed. Good form, however, barred this recourse when the Justice Department was itself the defendant—at least at this stage of the proceedings. And so the Judiciary Committee was pressed to shut down the investigation it had just begun. Before the second day's session could begin, the Republicans moved to cut off the hearings and clear Kleindienst; side issues being agitated by the press and the dissidents could be looked into at a later investigation. "A general fishing expedition, up a dry creek, I might add, would serve no purpose," Senator Scott declared.

It almost worked. But some of the less stalwart supporters of Kleindienst and Mitchell were troubled by the appearances of prematurity, especially since Dita Beard was still missing and unexplained. And the unpredictable Senator Ervin, who had some reputation as a jurist, said that the Republicans were asking the Democrats "to sit in judgment first and hear the evidence after."

The motion was set aside temporarily, thus making speeky exoneration impossible. The Plan, however,

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provided another way out:

Claim constitutional immunity. (p.40)

The process by which a congressional investigation ultimately becomes confused and muted resembles that which changes a rooster into a capon: its digestive apparatus is stuffed to excess while its vitals are castrated. The ITT-GOP propaganda teams bloated the probe beyond recognition by pumping in artificial exhibits, while its former potency was excised with a legal scalpel called "immunity."

Immunity is a doctrine by which the Legislative branch claims protection from prosecution by the Executive and the Executive claims sanctuary from investigation by Congress. Its origin is said to lie in the need to protect the independence of each from the other, but it is most often used today as a shield against exposure. The practical result is that a congressman cannot be tried for any crime that is related to the performance of his duties, and a presidential appointee cannot even be questioned unless the President agrees. Since members of both branches regard this immunity as vital to their liberty, each indulges it in the other. Its use here was widespread.

At the outset, there were five possible repositories of conclusive proof against ITT-GOP: Dita Beard, the ITT files, the Justice Department files, Securities and Exchange Commission records previously submitted by ITT, and the testimony of Executive branch witnesses, particularly White House aides who involved themselves in the merger suits and the San Diego convention.

The case of Peter Flanigan is illustrative of both the flexibility and rigidity of the immunity. For a time the President refused to let Flanigan testify at all, but that position made the Senate look so futile that senators were humiliated and threatened to vote against Kleindienst in retaliation. A face-saving formula was therefore worked out whereby Flanigan could testify without answering any questions, or at least any sensitive questions. It worked this way: When he was asked something he did not want to answer he would remain silent, a cue whereupon Roman Hruska or a colleague would protest that the question was out of order and Chairman Eastland would sustain the protest. Before the session ended, Bayh and Kennedy had walked out, exasperated with the Constitution. In similar fashion, crucial files and witnesses were systematically withheld by the government from the few senators actually pressing the probe, notably Kennedy and Tunney.

With the investigation on its back and scarcely wriggling, the moment had arrived for the *coup de grace.*

We touch upon here the greatest boon in our legal system—the blocked indictment. There is no appeal from the prosecutor who refuses to prosecute or the investigating committee which refuses to investigate. (p.33)

The dissidents sought to avert this fate by motioning that the committee pin down the perjuries patent in the conflicting testimony and explore the many leads that had been left in mid-air. A vote to reject these motions would kill the investigation. Such a vote could be politically hazardous since it would require the unanimous support of committee Republicans, plus a couple of the less reputable Dixiecrats, leaving Democrats in the happy and unaccustomed posture of backing honest investigation. There was, however, a way to blur this unfair distinction by showing that the whole affair was politically motivated, and worse. This is done through the use of decoys, and the GOP must have studied carefully the three-stage plan we had laid out:

The routine decoy is the opposition political party. You are being persecuted by political enemies who want to discredit you. . . . Better results are obtained by crying "yellow journalism" and charging a frame by the "power-hungry media." The late

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Drew Pearson [Anderson's partner and mentor] made a marvelous decoy because so many congressmen had been burned by him. (p. 37)

The decoys are always floated by what we call the Party Flannelmouths. In the political vocabulary, this is far from an invidious term, but rather one that denotes an element of selflessness and statesmanship. The Party Flannelmouth must be willing to make himself look partisan, argumentative, and occasionally foolish for the sake of his party, and in this age of atomized politics and universal narcissism, the man who is willing to play the fool for his party is to be valued.

The working infantry was to be Senators Cook, Hruska, and Dole, while the chief Flannelmouth would be Senator Hugh Scott. He may have felt that as minority leader he had special responsibilities to the Party, but he is also one who fancies himself a wit, with a flair for invective, and as the days passed, he seemed to warm to the task.

If the investigation were to be killed by Republicans, it must be shown that it was started by Democrats for political purposes. These Democrats were described by Scott as somewhat akin to Weathermen—"militants on the Committee who are knee-deep in nitpicking." The object, said Senator Cotton, was to "distract the country at the beginning of a presidential campaign." It was all "political jackassery," Scott complained, and he promised daily discussions involving "Democratic fat cats" and improprieties. Scott's Denver collaborator, Attorney Fleming, announced that the whole thing was a Democratic plot to get President Nixon's China trip off the front page. And Murray Chotiner Nixon's old campaign manager, came out of retirement to conjecture that "ITT might have been planning to make a $500,000 contribution to the Democratic Party"; when pressed, he said that it was just a "possibility" suggested to him by the fact that Larry O'Brien had been saying nothing during the hearings.

Senator Dole got headlines for a day with a claim that the Democrats' failure to pay their phone bill to AT&T constituted an illegal gift by that company, but the story fizzled when an unkind reporter pointed out to Dole that the Republicans had been in arrears for their phone bill almost as long as the Democrats.

Scott's most apt apprentice was Senator Marlow Cook. He took on part two of the decoy campaign—the traditional lament that the press is misleading the public. Charging the press with "total and complete irresponsibility," Cook said that the situation "ought to be enough to frighten the American people." Such charges would be made daily by either Hruska, Mitchell, Kleindienst, Fong, or Ziegler in an effort to paint the press as part of the Democratic conspiracy.

Part three was the villification of Jack Anderson. It began with some boiler plate from Senator Fannin, written by the Republican National Committee, accusing Anderson of "trivia, innuendo, distortion, or untruth to make a headline." A far-ranging plan was revealed by Sanford Ungar of *The Washington Post*, involving the White House and the Justice Department, which were using government resources in an attempt to uncover something nasty about Anderson. All that the combined forces of the United States and ITT could come up with, however, was an old photo of Anderson's secretary, Opal Ginn, posing with a group that included Dita Beard. The photo was turned over to the eager Cook who distributed it to the press as support for his claim that Miss Ginn and Mrs. Beard "met often for drinks" at the Sheraton-Carlton, and were "close friends," obviously now allied in a conspiracy. (This was at the stage when Dita was being discredited.) But ill luck continued to dog the effort. An uncooperative waiter at the pur-

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For people who like politics—If you'd been reading ATLAS these past months, you'd have known about Salvador Allende's probable victory in Chile months before the election; you'd have read a prediction of the *coup* that just took place in Turkey; you could have digested an editorial from Lisbon a few weeks before Portugal invaded Guinea; a Frankfurt reporter told ATLAS readers that a consumer's revolt was brewing in Poland a month before the riots . . .

For people curious about America—Where else can you find out—directly—what a leading French critic thinks about the "New American Revolution"? Or a German view of the exodus of American talent to foreign shores—the "reverse brain drain"? Or what a Soviet military journal has to say about the new American army?

For people who wonder about youth—It's not *all* happening in California. There are kids who "don't give a damn" in Bulgaria (Sofia's *Narodna Mladezh*); kids who live the "comfy life" in a Swiss commune (Zürich's *Die Weltwoche*); kids who barter blue jeans in Russia (Moscow's *Novy Mir* and London's *New Society*); and, yes, even a few "effete snobovitches" in Czechoslovakia (Prague's *Rude Pravo*) . . .

For book, film and theater nuts—You could have ordered tickets to "Sleuth" before the scalpers heard the news; you'd have known about "The Conformist" and "Investigation of a Citizen Above Suspicion" before the lines started forming—to say nothing of the Soviet version of "The Graduate", and other topics the U.S. press may *never* pick up . . .

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ported rendezvous popped up to say that the picture was taken at his retirement party and that in his 25 years as a waiter there, he had never seen the two together before.

For a time, the plan was to tie in Chappaquiddick as a sort of grand finale. A succession of dark hints was made linking Anderson in a plot with Senator Kennedy. Cook rebounded from the photograph fiasco to accuse Kennedy and Anderson "of conspiring to discredit government officials." Attorney Fleming charged Anderson and Kennedy with conducting "a purely political game" and of "cruel harrassment" that was the direct cause of Mrs. Beard's heart condition.

Transparent and ridiculous, you say? Then you misunderstand the process. The idea is to bring the public to a point of bewilderment at which people will say, "it's all political." At that point the investigation can be ended by a party-line vote, with minimum backlash from the public. And so it was.

One errs to think that the lawyer in such a case as this expects any of his tactics to achieve a clear victory, or the totality of them to *convince* the public or the tribunal. Only half-victories are sought, and the goal is not to convince, but to confuse and then to weary. The Senate majority does not want to devour Kleindienst or Flanigan or ITT; that would be cannibalism. It will do so only to assuage an angry public. To become angry, the public must be able to concentrate; it cannot focus if, for every ball it identifies in the air, two more are thrown up. It apprehends that it is being purposely confused, but it wearies anyway, and is at length diverted to other things. And so, however preposterous the stunts may look individually—the three Beard memos to confuse the real one, the opposed medical reports, the conflicting document analyses, the ATT gift to the Democrats to balance the ITT gift to the Republicans, explanations that a thousand conventions are "bought" each year all over America—when viewed collectively, they succeed. Aibel or Merriam or Griswold or Reinecke or Dole or Liszka or Nunn or McCrone or Scott or Cook or Hruska may look idiotic for a day, when their ball is shot down, but their embarrassment is temporary and their victory comes at length when the crowd tires of keeping track.

Thus it came to pass that the ITT incident was closed down without serious harm to any of the defendants. Critics complain that government is debased, the public disillusioned, the fabric of society unraveled by such exercises in cynicism. And they are right. They say that when twice as many people believe Jack Anderson about ITT as believe the government of the United States, which a Gallup poll shows, free government is undermined. And so it is.

But lawyers are supposed to be concerned with their clients, not with apocalyptic vaporings. And the Plan is very busy. Even while ITT was on the boards, other clients were in need of the Plan's counsel, and got it. Did you notice that in the midst of his recent bribery trial, Congressman Dowdy was rushed by ambulance to the hospital with a heart attack that turned out to be subjective chest pains, and that he blamed his prosecution on "homosexuals, urban renewal interests, and the Eastern liberal establishment?" Or Boss Kenney of Jersey City, who showed up for his extortion trial in a wheelchair, attended by a nurse? Or Tony Boyle, who, confronted with Mrs. Gilly's confession that the Union ordered the murder of Joseph Yablonski, pooh-poohed it all as "a conspiracy of extremists?" Or Congressman Cornelius E. Gallagher, the favorite of our 1970 Plan: recently indicted for perjury and conspiracy, Gallagher began smartly by claiming he was a "political target." "A target," says Gallagher, "is one selected by our secret police society. They decide he must be eliminated and then invent a crime to eliminate him."

All are in deep trouble now, but none are in jail yet. ■

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FRED O. DICKINSON, JR.
COMPTROLLER OF FLORIDA

OFFICE OF COMPTROLLER
STATE OF FLORIDA

TALLAHASSEE
32304

April 5, 1972

COMPTROLLER'S MEMORANDUM #06 (71-72)

TO: The Fiscal Officer of the Department, Division or Bureau Addressed.

RE: TRAVEL OF EXACTLY 24 HOURS.

Several years ago, the matter of per diem in connection with travel of exactly 24 hours was raised and referred to our General Counsel. He in turn conferred with an Assistant Attorney General and they ruled that if a person utilized a portion of five quarters that he could be paid for the fifth quarter. Both of these gentlemen are now deceased.

It has been called to our attention that there is an inconsistency in such a ruling. For instance, if a person leaves at 5:00 p.m. and returns 24 hours later at 5:00 p.m., he would be using all or portions of five quarters and according to our rule we would accept it and pay him $21.25. The inconsistency comes about in that if a person left at 6:00 p.m. and returned 24 hours later at 6:00 p.m., he would only be paid for four even quarters and receive only $17.00. With this thought in mind, we referred the matter to our present General Counsel and Staff. They have now come up with a ruling which is to be our new method of handling these situations. It is now ruled that if a person travels exactly 24 hours and so reports it on an expense account, they will be paid for four even quarters regardless of the time they left and returned. This is to be our rule from now on.

Yours very truly,

FRED O. DICKINSON, JR.,
COMPTROLLER OF FLORIDA

R. G. Higgins

R. G. Higgins
General Auditor

RGH/rh

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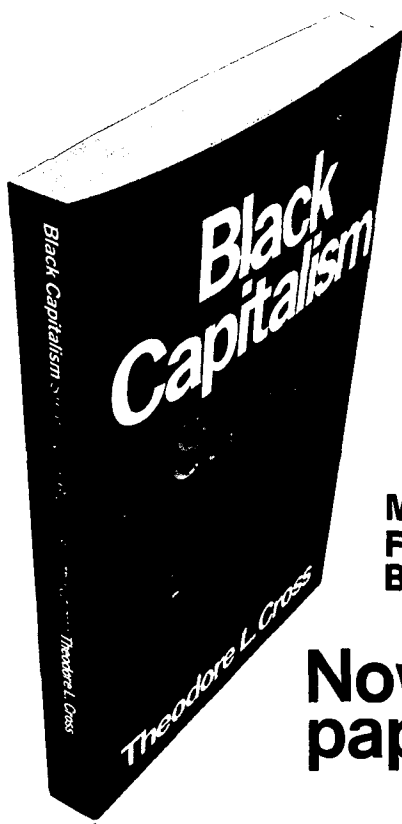
"I say 'Watch out' for those gatekeepers in our society who now say to black people 'Fellows, capitalism is not for you. Stay out of the big game. You will only go to the cleaners.' I say 'Watch out' because those who are looking so assiduously after your interests are also busy perfecting a new reading machine that will abolish a quarter of a million key punch operator jobs only recently won by your brothers and sisters. And do not fail to note that those who now would separate you from capital also happen to be the grandchildren of ancient protectors who, fifty years ago, told Negros in the south to tend to their jobs in the cotton fields and not to worry about trying to own some of the machines that put them out of work."

"And so I say, 'Keep your eye on the machine!' The question of who controls or gets income from the instruments of capital* can be ignored only at the greatest peril to the economic progress of black Americans."

—from the author's preface

*The President's Office of Economic Opportunity reports that blacks in America own about $382 per family in all financial and capital assets as against $5,924 for the average white family.



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Why the Rich Shouldn't Worry About Tax Reform

by V. O. French

About two months ago, George McGovern wrote a letter to Belmont Tobin, a New York businessman, in an attempt to put to rest some of Belmont's worst fears about McGovern's latent bolshevism and his radical tax proposals. The letter, which was reprinted as a full page ad in the *Wall Street Journal* to let the rest of the business community in on some of Belmont's tranquility, spurred a raging controversy as to just how much money McGovern was going to take away, and from whom. Unnoticed in all these numbers, however, was one of the McGovern closing paragraphs, which said: "I am well aware that under our System, only Congress initiates tax measures. The suggestions which I have developed in this field should, therefore, always be regarded as suggestions for consideration by the Congress."

If adopted, McGovern's tax and income proposals would rearrange the distribution of income and wealth in a more fundamental way than any scheme ever offered by a man who has come as close to being President as George McGovern has. But these two sentences in the *Wall Street Journal* ad explicitly recognize how little control the President has over the congressional revenue committees, Wilbur Mills' House Ways and Means and Russell Long's Senate Finance. The ad will probably reassure McGovern's big contributors almost as much as a hawk would be reassured by a candidate who said that he would eliminate

V. O. French is a national delegate coordinator for the McGovern presidential campaign and a former aide to Sen. Fred Harris, a member of the Senate Finance Committee.

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the Pentagon budget, but that his proposal would only be a suggestion to the Joint Chiefs of Staff. These two committees possess nearly all the direct power there is in the federal government to redistribute wealth and income in America, and without them, neither McGovern's tax reforms, nor anybody else's, will have a chance.

Everybody keeps asking the candidates what they plan to do about tax reform, while the men they should be asking are Long and Mills. For quite some time, everything that has been deducted from one paycheck and added to another has been the exclusive business of the men who occupy positions on Ways and Means or Finance. These two committees preside over social security, welfare, corporate and income taxes, excise and estate taxes, tariffs, the national debt, medicare, and medicaid. It is worth looking at how the committees operate, and what they have done to tax reform efforts in the past, because they will have much more say than the President in whether a plan to shuffle income downward, or any other plan, will be adopted next year—and what the plan will look like once it is ready for the President's 100 pens.

It's almost traditional to warn that progressive legislation from a President will face a recalcitrant Congress, but the unique features of the revenue committees add up to a special blockade against tax reform efforts. Despite their vast legislative realm, the revenue committees have no subcommittees, no staff for majority party members except for the chairmen, no record of individual votes on amendments and bills, no public access to the mark-up sessions, and almost no rules. All these provisions concentrate power in the hands of the committee chairmen, and they prevent the kind of public exposure that might cause embarrassment. In short, the atmosphere of the revenue committees is far better suited to quiet murmurs than to populist crusades.

The Eternal Loophole

Some people wonder why repeated attempts at tax reform and loophole-plugging have left the actual distribution of income in this country more unequal than it was 30 or 40 years ago. The most recent of these efforts, the Tax Reform Act of 1969, was trumpeted as an equalizing measure, but in predictable fashion ended up creating at least as many loopholes as it closed. The solution is always a new proposal, such as those advocated by this year's presidential candidates, or a new piece of paper with which to approach the committees. The committees and their rules do not change, and incredibly, are hardly even noticed. A friend with long experience at lobbying for tax revisions told me: "I hope to God Common Cause isn't going to come out for a new reform bill. We can't stand another one."

An example of how the committees can load any tax bill with special interest baggage came in early August, 1969, during the debate on the Tax Reform Act. The Ways and Means Committee, meeting in executive session with the usual lack of notice, no hearings, and by all accounts perfunctory debate, adopted a special amendment granting the railroads the right to depreciate freight and passenger cars over a seven-year period, for federal tax purposes. When this was accomplished, a spokesman for the committee and a lobbyist for the railroads explained that the amendment would "compensate" the railroads for loss of the seven-percent investment credit. They neglected to mention that every other enterprise (barring a small assortment of oil companies, tire manufacturers, and a few others either big enough or lucky enough to swing favors) was losing the credit at the same time, and without compensation. The railroad amendment chugged on through the House, the Finance Committee, the Senate, the conference committee, and wound up in the law. It costs the Treasury around $150 million a year.

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Taken alone, this amendment means little, but it was just one of hundreds of similar baubles ironically strung from a bill that was supposed to give the little person a break by removing tax breaks for the rich. The revenue committees are the best place from which to hang these baubles, because they offer their members unparalleled opportunities for providing lucrative benefits to private interests, and without fanfare. Such opportunities are seized frequently.

The lobbyists like doing business through the tax laws. Unlike a defense contractor, for example, the intended beneficiary of a tax amendment doesn't have to plead with at least two subcommittees and two full committees for a line item in an authorizing bill, then repeat the process to make sure his earmarked funds show up in the conference report of an appropriations bill, then lobby the Office of Management and Budget to release the money, negotiate with an Executive agency to sign a contract, and finally get someone to write checks. Only the two revenue committees are involved in creating a tax amendment. Best of all, once such an amendment becomes law, the only thing a corporation or individual has to do is file a tax return—which, unlike federal contracts, is protected by law from public inspection. From start to finish, the process of getting helped by a tax expenditure is comparatively simple, unhassled, direct, swift, and unpublicized. A tax break is just as real and lucrative as a subsidy, but it doesn't look so bad to the public as a direct expenditure.

An Inside Joke

An example of the way a tax break comes out in the law is shown by Section 512 of the Internal Revenue Code, which exempts only one institution—radio station WWL, owned by Loyola University—from a tax on income derived by religious institutions from business unrelated to their religious activities. The provision became part of the Tax Reform Act after a short conversation at the door of the Finance Committee between Senator Long of Louisiana and Washington lawyer Tom Boggs (son of House Majority Leader Hale Boggs, then second-ranking member of Ways and Means). You could tell to whom the amendment applied just by looking at the opening letters of the bill's first three paragraphs, which spelled out "WWL"—an example of Long's sense of humor. Generally, special-interest bills are drafted so they appear to apply to a large number of persons, firms, or foundations. Only close inspection and expert knowledge will show that they really benefit only a small part of one industry, or maybe even one person.

The friendliness extended by the members of Ways and Means and Finance, of course, is not a one-way street. The probable, or known, willingness of a senator or congressman to help out the lobbyists can be a factor in his favor if he wants to get onto the revenue committees. The interests who will want him to intervene later will first intervene on his behalf in the committee-assignment process. It works the other way, too—one good reason why Congressman Don Fraser didn't get on Ways and Means last year was doubt about his solicitude for the special tax amendments. Conservatives, and others of different philosophy but similarly benevolent inclinations, have found it relatively easy to win assignment on the two committees.

Senators or congressmen will give up considerable seniority on other committees to take last place on Finance or Ways and Means. Dirksen, for example, chose to become the last-ranking man on the minority side of Finance a couple of years before his death. Senior conservatives who represent relatively safe districts but who can never be elected President or Vice President consider their places on these committees the apex of their careers.

Although most members of the

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two committees are conservatives, the ideological tendencies of a legislator are no certain guide to his willingness to play along with lobbyists who want him to provide a tax break for some client. A congressman with liberal tendencies, less inclined to trumpet his embrace with business interests, finds both discretion and anonymity on these two committees.

Bending Seniority

Ordinarily, the seniority system that gradually floats legislators onto the key committees is quite rigid. But it can be easily bent when something like Finance is at stake. In one famous example, Senator Lee Metcalf unexpectedly announced his resignation from Finance one morning several years ago. Within about three hours, and before the news was out, a conservative quorum of the Democratic Steering Committee met and replaced Metcalf with Senator Harry Byrd. Byrd was a relative neophyte in the Senate, and many likable senators with more seniority than Byrd might have applied for the opening if they had known about it.

Senator Walter Mondale, a strong progressive with more than seven years of seniority, is reported to have written every member of the Democratic Steering Committee early this year to announce his intention of seeking the next opening on Finance. It will be interesting to see whether he is passed over for Senator Lloyd Bentsen, for example, when the seats of retiring Senators Clinton Anderson and Fred Harris are filled. Bentsen, who is committed to the tax preferences of the oil and gas industry, reportedly lost in his bid for Finance membership in February, 1971, by one vote, after he had been in the Senate only a few weeks.

Conservatives control the Senate committee assignment process, and the technique of shoving conservatives to the front of the line at Finance keeps business going as usual. Meanwhile the liberals are stacked up on top of each other on less important committees. Their strength is diluted by having overkill power in some areas and almost no power in others.

The most extreme examples of packing committees with either conservative hegemony or liberal superfluity are the Senate Labor and Public Welfare Committee and the Finance Committee. The average Americans for Democratic Action voting index (a percentage of liberal votes cast by congressmen on major issues) is 38.9 for Finance and 71.7 for Labor, a difference that reflects the permanent conspiracy to bottle up the liberals where they are least likely to do any real damage. The funny thing is that most of the liberals like it that way.

That's because few of them, at the height of their careers, want to sacrifice seniority and visibility and one or more subcommitee chairmanships for a seat on a committee where legislation is tremendously complex and unfamiliar (unless a senator or congressman is exceptionally able and sets out with determination to learn about the layers on layers of complex minutiae, disguised benefits, and highly technical terms, he may serve for several years before he is competent enough to take initiatives on his own), where no subcommittees exist, and where the trek up the ladder is the slowest in the Congress. Most liberals don't enjoy being surrounded by uncongenial and crafty conservatives, and don't find it much fun to be outvoted on every issue.

The liberals, therefore, tend to seek out membership on more congenial committees—like Labor and Public Welfare or Banking and Currency, to name the two in greatest demand. These committees hold sway over the bulk of urban programs—especially the dozens invented by the Johnson Administration. It is here that liberals have the best chance to convince people back home that they really are in Congress. All 10 majority members on the Labor Committee, for instance, chair at least one subcommittee, which brings with it an extra staff

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budget and opportunity for publicity. While the conservatives on Finance base their power on a lack of public scrutiny, a liberal's power often depends on exposure, and any attempt to reform the revenue committees must take this into account.

Strategic Amnesia

The revenue committees have preserved their anonymity through all the recent attempts at congressional reform. The requirement in the 1970 Legislative Reorganization Act that committees publish all record votes has not opened the door to Finance or Ways and Means, for the simple reason that hardly any decisions there are made by recorded vote.

The key tallies of both these committees are usually wired up in advance by Mills, Long, other committee members, the lobbyists, and the Treasury—and official approval of any bill is a foregone conclusion registered by grunts, winks, and nods. One has to be present at one of these votes to understand what is really going on.

Nobody is present, of course, except the committee itself. Neither Long nor Mills permit even personal staff members to attend meetings. Not only are the staffs, the press, and the public barred at decision-making caucuses, but committee members alone (and perhaps their assistants) are allowed to read the records of executive sessions of Ways and Means. Such records are guarded with far greater care than any official history of American involvement in Vietnam or any record of a National Security Council meeting. Neither yesterday's notes, nor last year's, nor, presumably, the ones taken during the debate on the Smoot-Hawley Tariff Act of 1930 are shown to anyone on the outside.

Even with all this, Ways and Means is still leaky in comparison with the Finance committee, which offers the ultimate in document security—no records at all. There is no chance for an Ellsberg with a prolific xerox machine at Finance, because the committee keeps itself protected as man did before the advent of the printing press, through showing of hands and through guttural utterances. Somebody just makes notes on the decisions, not on who voted for them. To go along with its strategic amnesia, up until this year Finance had no rules of any kind. Russell Long once put down an assistant secretary of the Treasury by saying: "This committee doesn't have a single rule. We just make ourselves up as we go along. Why, we can vote on the time of day if we want to." Even now, the rules are so few, and so flexible, that they hardly interfere at all with Long's power.

Earlier this year, Senator Harris, who has led the fight for Senate reform for some time, asked the Finance Committee on which he sits to hold all its meetings in public. His motion was defeated by a vote of 14-1. When John Gardner, in connection with an anti-secrecy project at Common Cause, recently wrote to Mills and Long to ask them to take the lid off committee meetings—or at least to publish records of the sessions dealing with the Tax Reform Act of 1969 and the Revenue Act of 1971—Mills said he'd take it up with his committee "at an appropriate time," while Long replied that people already find out as much as they need to know about his committee.

Within the committees, the power of the chairman is extended by the fact that Mills and Long have sole authority to hire or fire majority staff members, thus ensuring loyalty to them. There are also no regular chances for other members to conduct investigations or independent hearings, due to the absence of subcommittees. And finally, Mills at least, is famous for his "consensus" method under which no votes are ever taken until he is assured from a private canvass that the people on the committee will approve a measure, frequently unanimously. That way, the opposition can never mobilize its support in anticipation of a clash or

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decisive vote that will occur on a particular day.

There are other advantages. In the House, the Rules Committee invariably grants Ways and Means a privilege no other committee enjoys—a closed rule which in effect bars all amendments. The result of this is to grant the 25 members of Ways and Means a franchise to say to the other 410 House members—"Take it or leave it, but you can't amend it." Mills has made good use of such devices. He won't bring a bill to the floor unless he believes it will pass. Once he's sure of that, the closed rule allows him to preserve every colon and comma just as his committee adopted it.

The opposite situation governs revenue bills in the Senate. Every such bill reported by Finance is almost certain to be loaded down with a variety of amendments. The liberals take this opportunity—the only one they get throughout the entire legislative process—to hook on riders that expand welfare programs or close loopholes. Other senators, as we have seen, are more feverishly attaching riders to contract welfare and expand loopholes. The favorite horse is the annual Social Security bill. Everybody figures that it's so popular that their riders will have a better chance than anywhere else. Long likes to take up such bills at the end of a session—using the pressure for adjournment and the liberal fatigue to good advantage.

A Gambler in Church

Long, in fact, has made a career of outfoxing liberals and opponents, both through the Finance Committee and through is own ingenuity. In 1967, for instance, the House and Senate had both passed a welfare measure. The House version contained several punitive provisions which the Senate as a whole had voted to reject. They were put back in the bill by the conference committee, which met to work on the differences. Once the conference report was made public, Fred Harris and Robert Kennedy decided to lead a filibuster against it in the hope of postponing the final vote until the new session, in order to allow time to build a national lobbying attack on the measure. At the time, I was a legislative assistant to Harris, and with Peter Edelman of Kennedy's staff, I made a roster of about a dozen senators who would cover the floor and protect our position when the conference report was called up. Our strategy was to object to any request to make that report the pending business, then filibuster any motion to take a vote on it.

Senator Tydings drew the first floor watch, from 9 to 11 a.m. In order not to waste time, he brought a large stack of mail which he began to read and sign. The chamber was nearly empty. But Senator Long was there, and, seizing a moment when Tydings was absorbed in his mail, he approached the chair, and whispered a request to take up the matter of the conference report. Senator Robert Byrd was presiding. Talking like a gambler making a bet during church service, he asked whether there were any objections, and hearing none, declared the conference report the pending business. Seeing that Tydings continued to sign mail, Long immediately asked unanimous consent for final passage of the conference report. This time, Byrd held the gavel for a full 10 seconds. Again, nothing from Tydings. Quite audibly now, Byrd announced that the report had been adopted, and the world's foremost deliberative body had again made its decision.

Getting to Gravel

The trouble with the conference committees, which must be called every time there are differences between a House and Senate version of a bill, is that they always consist of the conservative senior members of Ways and Means and Finance. Although Long often makes a great show of

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declaring he did his best to protect progressive Senate floor amendments, somehow they usually vanish in conference—while the special-interest provisions survive.

When a conference report returns to the Senate floor, that body can vote up or down, but cannot entertain amendments. Thus, the Senate has no chance to undo damage done to its liberal amendments after conference. That explains the real value of the filibuster: Admittedly a bludgeon where a scalpel is required, the filibuster is the last resort available to senators who want to prevent the enactment of conference reports that fail to represent a fair compromise between Senate and House versions of a bill.

The Finance Committee has helped defeat, through judo, any attempts to reform the conference reporting setup. Since the fact that Long can get his friends on all the conference committees enhances the power and value of a membership on Finance, such membership can be held out as a prize for dissidents who advocate changing the conference system. In this way, a senator who opposes such lopsided power is comforted when some of it is offered to him. That, in fact, is just how Long and several others helped defeat a measure in the Senate Democratic Caucus that would have taken the power to pick the conferees out of the hands of Long, and put it into the hands of the Senate majority leader.

The lobbyists from Common Cause and the United Auto Workers, who were the main advocates of the reform, made no secret of the fact that the principal target of this reform was the Senate Finance Committee. Frequently in recent years, not a single conferee on a major revenue bill has voted on the Senate floor—or in committee—for progressive tax or welfare amendments adopted by the full Senate. They had no interest in fighting to keep these amendments in the bill reported out of conferences with the House.

There were recurring reports that Russell Long and Herman Talmadge were personally lobbying against the reform, and that they might affect the votes of senators interested in becoming members of the Finance Committee. Senator Bentsen, for example, had told Fred Harris that he was strongly in favor of the reform measure, and was considering speaking on its behalf. We were most dubious about this commitment because we knew that Bentsen very much wanted to go on the Finance Committee. We regarded two other commitments as soft—Hartke's and Gravel's.

On the morning of the Caucus, our doubt about Bentsen and Gravel was confirmed. Four of us carefully watched as senators entered and left the closed meeting room. No one saw Bentsen appear. Gravel had given his proxy in favor of both resolutions to Senator Mansfield, and his office had told us that a speaking engagement would make it impossible for him to attend the Caucus in person. He showed up, however, about an hour after the Caucus had started, entered the meeting, stayed about five minutes, and departed. We suspected that he had come for the purpose of switching his proxy from "yes" to "no," and one senator present at the meeting told us he believed that is just what Gravel did.

Two Senate staff members who helped us count noses said that Long got to both Bentsen and Gravel by promising to do everything he could to secure them seats on the Finance Committee next January, when the Democratic Steering Committee will fill the places vacated by the retirements of Anderson and Harris.

As it happened, the lack of Bentsen's and Gravel's votes made no difference in the outcome. Before a vote could take place, Senator Hollings offered a substitute, which preserved the principle that a majority of conferees must have supported the Senate position on a bill headed for conference, but reaffirmed the power of committee chairmen to hand-pick conferees instead of transferring that

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power to the majority leader, as we wanted. Our support vanished, and the Hollings substitute carried by a vote of 34-14.

A Hex on Reform

If a President McGovern does not have the support of Mills, Long, and a good number of the people on the revenue committees, the fate of his tax reform, regardless of its original wording or intent, will be the fate of the Reform Act of 1969. It will be riddled with amendments, delays, confusion, and all the other hexes that revenue committees can cast on unwanted bills. It is possible that Mills, at least, might go along with some tax reform. He has been talking about it, and even suggests a three-year phase-out of all major personal and corporate tax loopholes, beginning in 1974. This plan would force Congress to review the entire tax structure. This is far from a radical reshuffling of the paychecks in America, however, and from past experience, Long isn't about to accept any of that.

McGovern has said he won't reform government without first finding the money to pay for it, but in the case of the two revenue committees, the money flow probably will never be altered until the procedures of the two committees themselves are changed.

One proposal would be to take Social Security, public assistance, and Medicare and Medicaid from the revenue committees. Another suggestion would keep the present jurisdictions intact, but create four or five subcommittees in the hope that a progressive majority would eventually drift to whichever ones had jurisdiction over the social insurance programs. Subcommittees tend to determine the substance of the legislation they handle, regardless of the views of members of the full committee to which the subcommittee is nominally subject.

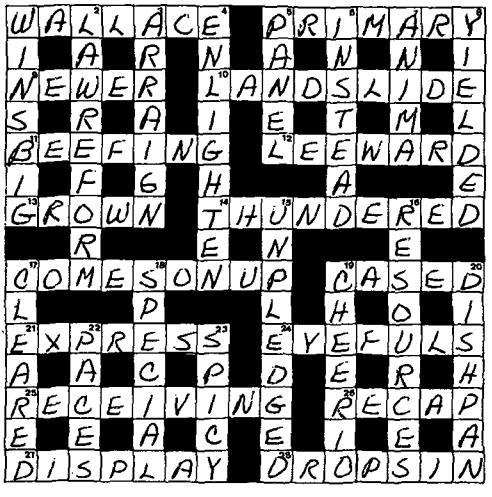
A ban on secret meetings is not beyond reason. Open meetings would help even if the congressmen who now talk freely in executive sessions simply made their deals in private. Votes would have to be taken, and open meetings would tell us who showed up and who didn't, whether every member supported each amendment, the intensity of opposition to a bill, and other kinds of information one does not get now.

Revenue bills should also be open to amendment on the House floor. Even though this would create the danger that the House as a whole would ram through more regressive legislation than the Ways and Means committee does under the current setup, it's worth trying. The House has never held a separate, clean vote on the oil depletion allowance. My guess is that such a vote, coupled with a determined lobbying effort, might result in a reduction in the depletion allowance.

The problem of how to place better senators and congressmen on the committees is more difficult. Senator Mansfield wants to appoint more liberals to the Democratic Steering Committee, which would set the stage for more liberal assignments to the Finance Committee.

Meanwhile, Belmont Tobin and the other *Wall Street Journal* readers can rest easy. ■

Answers to June puzzle:



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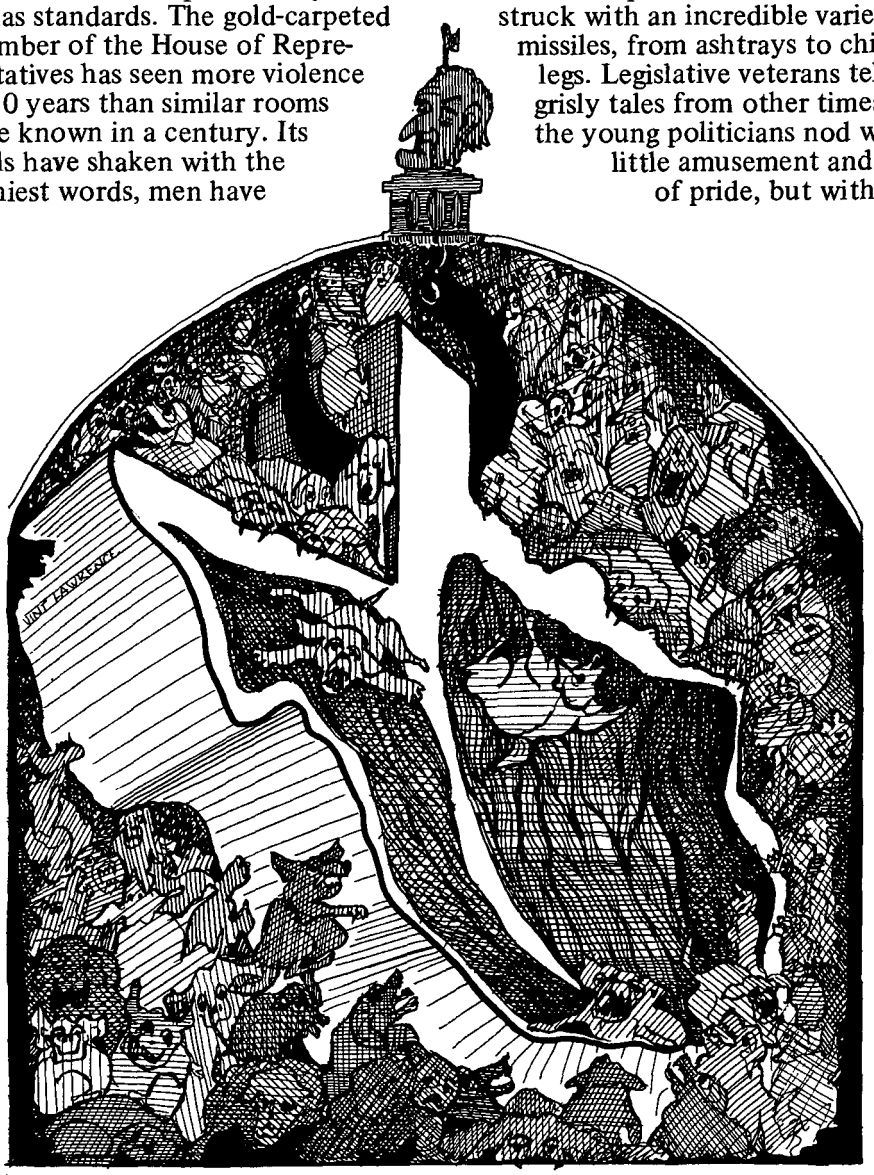
How the Dirty Thirty Cleaned Up Texas

by Harvey Katz

No session of the Texas legislature can be considered peaceful by non-Texas standards. The gold-carpeted chamber of the House of Representatives has seen more violence in 50 years than similar rooms have known in a century. Its walls have shaken with the filthiest words, men have been beaten senseless on that carpet, and those polished desks have been struck with an incredible variety of missiles, from ashtrays to chicken legs. Legislative veterans tell the grisly tales from other times and the young politicians nod with a little amusement and a lot of pride, but with very



Harvey Katz is an investigative reporter. This article is adapted from Shadow on the Alamo, *to be published by Doubleday this fall. Katz researched the book with a grant from the Fund for Investigative Journalism. He worked as a volunteer for the Dirty Thirty.*

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little surprise. They remember similar scenes from more recent sessions. Yet, when the Texas legislature gathered in January, 1971, for its 62nd session, the elected representatives were expecting a relatively tranquil five months.

Texas was nearing its 10th decade of rule under the conservative Democrats. For close to a century, the Texas political establishment had managed to maintain its loyalty to the liberal national Democrats while supporting a pro-business government in Austin. Lyndon Johnson and John Connally had already selected their leader for a new era. His name was Ben Barnes. In November, 1970, Barnes had been reelected lieutenant governor by a landslide vote. While Barnes served as Speaker of the Texas House of Representatives between 1965 and 1968, he gathered all the powers of the House into his hands and maintained complete control over almost every facet of its lawmaking. His successor as Speaker, Gus F. Mutscher, Jr., was a Barnes protege. He had studied Barnes well, and emerged from the 1969 session of the legislature as a master of power politics in his own right. Among the 150 state representatives, Mutscher could count close to 100 who had sworn to follow him anywhere and another 20 who would do so with the right inducements. But where Mutscher was leading all these people began to bother at least some of them.

On January 18, 1971, the Fort Worth office of the Securities and Exchange Commission (SEC) filed suit against Houston promoter-banker Frank W. Sharp and a long list of his friends and associates. The SEC's complaint alleged that Sharp and his friends had effected a stock manipulation scheme involving three state banks, two insurance companies, and a computer firm, all owned or controlled by Sharp. The SEC also alleged that Sharp had arranged loans and stock purchases for Gus Mutscher, Governor Preston Smith, House Appropriations Chairman W. S. "Bill" Heatly, state Representative Tommy Shannon, and two Mutscher aides in order to obtain passage of two banking bills that would have helped Sharp. The House and Senate passed the Sharp bills during a special session of the 61st Legislature in September, 1969. The Governor vetoed the bills after an uproar from the banking commissioner, the state banking association, and former Governor Allen Shivers, who controls several banks. Texas newspapers bannered every move in the case for weeks afterward. Even the Texas voters, reputed for an intense disinterest in politics, started to wonder.

A Fool's Porkbarrel

On the surface, however, business went on as usual in the legislature. Mutscher and the rest of the House establishment had decided to remain silent and wait it out. Across the rotunda, Ben Barnes refused to comment. Only a handful of Republicans and liberal Democrats in the House of Representatives seemed aware that Smith, Mutscher, and Heatly, three of the most powerful men in the state, had been accused. They demanded an investigation, but Mutscher ignored them. As the 62nd session ground its way into March, it seemed that Mutscher's maybe-it-will-go-away attitude would work. But he had not yet heard from the Dirty Thirty.

There seemed to be nothing in common among the representatives who later came to be known as the Dirty Thirty—legislators like ultra-conservative Walter "Mad Dog" Mingden and Curtis Graves, the flamboyant black from Houston—except opposition to Mutscher and the rest of the establishment Democrats. The growing possibility of Mutscher and Heatly emerging unscathed was drawing them first into a joint commitment, and then into a pact of defiance. They wanted a House investigation of the bribery charges. But they knew there was no way to obtain such an investigation through ordinary

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legislative channels so long as Mutscher was intent on silencing the merest mention of the SEC charges on the House floor.

Lane Denton, a freshman representative from Waco, and Frances "Sissy" Farenthold, the only woman in the House, serving her second term, had been working on the problem every night for over a week. Both were liberal Democrats. A resolution calling for an investigation was filed in early March. It is listed in the House Journal as HCR 87, but it is known to anyone associated with the 62nd session as the "Farenthold Resolution." Sissy Farenthold was its author and there were 22 co-sponsors, including Mad Dog Mingden and Curtis Graves. The final vote was 118-30 to bury the resolution in committee. As the tally lit up the voting board, one of the lobbyists said to the others in the gallery: "The dirty bastards—those 30 dirty bastards." An unknown listener repeated the remark, and the Dirty Thirty was born.

While effectively blocking these and other efforts of the Dirty Thirty to bring real reform to the legislature and investigate charges of corruption, the House leadership seemed to have hopped on the bandwagon with its own half-hearted measures of reform, which were now being rushed through the legislative machinery.

To the casual observer, the dealings of Smith, Mutscher, and most of the rest of the Texas legislature might leave the impression that these were skilled political hucksters of the highest degree. Actually they were just average men, often of below-average intelligence, who were just doing what Texas legislators had always done. In most states, it is hiding the shady deals that demands finesse and skill. No such effort was thought necessary in Texas. In the wake of a bribery scandal in which he was deeply involved, Smith was still demanding payoffs for bank charters over the telephone. When Mutscher had the SEC documents copied at state expense for his personal use, he warned everyone who handled the matter to keep it confidential, thus casting more suspicion on the transaction. When Mutscher took plane rides at state expense, he failed to make sure that his name was left off the flight records. When he used employees of the state Department of Agriculture to landscape his front lawn, he directed them to dump their rubbish on a vacant lot. Littering laws are strictly enforced, and the police immediately began investigating.

"I don't know why public officials should be singled out for exposure."
—Gov. Preston Smith

In defending their actions before the public, Mutscher, Smith, and the rest were incredulous that anybody would care. From state Representative Tommy Shannon: "If I move in circles who are influential or have money and so forth, they are in a position to help me if they want to. It is nothing more than friendship extended from one person to another, regardless of the outcome, socially, financially, or whatever." Undoubtedly, the most memorable statement of all came from Governor Preston Smith. "I don't know why public officials should be singled out for exposure," Smith said.

While most state legislators are content with passing public resolutions which also indirectly benefit them, the Texas legislator often takes an even more personal approach to his work. Such was the Barnes Bar Bill. Since receiving his undergraduate degree, Barnes had been attending law school part-time, and by 1965 he had in effect completed two years of study. A bill was introduced in the 1965 legislative session that provided that anyone who had served four years in the legislature and completed two years of legal study could take

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the bar examination without completing a third year in law school. The bill's sponsor claimed he had someone other than Barnes in mind, and Barnes disclaimed any interest in the bill. However, when liberal Representative Neil Caldwell voiced an objection to the bill, Barnes pulled him aside and offered to push one of Caldwell's bills through the House if he would withdraw his objection. Caldwell agreed and Barnes' bill was passed. But it attracted so much publicity that Barnes publicly announced he would not take advantage of its provisions.

"That was his biggest mistake," says an Austin lobbyist. "He should have become a lawyer a long time ago. Then, if any of us wanted to support him, we could pay him legal fees. Without that law degree, everything he gets either has to be hidden or explained." Since legislators earn only $4,800 a year from the state, they are allowed to conduct their own businesses and professions on the side.

They have plenty of help in running the state, however, from the Texas lobbyists, who provide a real alternative to months of constant toil in the public interest. At lunchtime, there is booze and barbecue at the Westgate, a plush office building beside the Capitol. It was here that the Texas Trial Lawyers' Association rented five rooms during the 62nd session to stuff and mellow every member of the legislature on every day of the session.

If a legislator tired of the Trial Lawyers' fare, he could go down the street to the Stephen Austin Hotel where the Texas Brewers' Association sponsored a fish-fry luncheon every Wednesday of the session. Those who disdained organized social functions could easily engage in private entertainment throughout the session. Always present in the crowd that congregated at the door of the House chamber was chief beer lobbyist Homer Leonard. When I first noted Leonard's penchant for handing out business cards, I assumed this was merely an odd public relations technique. Then I obtained one of the cards and discovered that a stamp on the back entitled me to a free case of beer or domestic wine of my choice.

The Bread Tax

All this private lobbying, and the gratitude it created among legislators, made the work of finding the money to run the state very difficult. Since lobbyists were owed favors, and since there were more and more of them, it took a creative legislator to seek out those obscure crannies where no favors were owed, and from which money could be extracted. The 1969 legislature was forced to meet this problem head-on, and it failed miserably during the regular session. The liberals blocked passage of a sales tax increase. The conservatives blocked a corporate profits tax. Beer, liquor, and groceries had always been exempt from state sales tax. Proposals to remove the beer exemption were adamantly opposed by Gus Mutscher, whose chief patron was Homer Leonard. Similar proposals relating to liquor sales were blocked by Representative Dick Cory, who later became a lobbyist for the liquor interests. This left one major exempt item that was not protected by a powerful legislator. Incredible as it may seem, in a state where business taxes were among the lowest in the nation, Ben Barnes set out to solve the financial crisis by hitting the consumers with a grocery tax.

At a meeting of legislative leaders and lobbyists, during a 1969 special session convened by Governor Smith, it was agreed that a grocery tax offered the best solution to the financial crisis. It was also agreed that if Barnes could get the tax through the liberal Senate, the House would fall in line. The grocery tax passed the Senate by a one-vote margin, after Barnes induced two liberals to absent themselves from the chamber while the conservatives killed a filibuster. There was 24-hour intermim between passage of the bill by the Senate and its

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consideration by the House. During that time, labor and consumer groups organized in opposition. When the House convened, its members were greeted by stacks of angry telegrams and a gallery jammed with hostile citizens. In canvassing the House membership, Mutscher suddenly discovered that his majority had flaked away under the onslaught. He tried numerous delaying tactics. There was even a very suspect bomb scare, which stalled House proceedings for 90 minutes. In the end, the opposition held, and Mutscher withdrew the Senate bill. It required a second special session in September for the legislature to pass a tax bill. The one finally passed raised the sales tax 0.5 per cent, twice the increase originally contemplated—groceries, beer, and liquor exempt.

A Maniac's Ass

The Texas political establishment was not accustomed to losing fights to the public, over grocery taxes or anything else. That's because it included men like Gus Mutscher and Bill Heatly of Paducah, the House Appropriations chairman. At the time of the 62nd session in 1971, Heatly was 58, a scrunched-up man with a large bulldog head. He was a man of bulk, too broad for his undersized legs, and when he moved it was with obvious effort. During the 1960's, Heatly eliminated the appropriations subcommittees and assumed absolute control of all decision-making. He initiated the so-called "Last Supper," when, after weeks of private meetings with lobbyists and bureaucrats, Heatly would invite his committee members to dine at his apartment and listen to the proposed legislation that he had drafted and that they would approve.

The appropriations conference committee served as the core of Bill Heatly's power. It was here that he increased the appropriations for the bureaucrats who had met his demands, and where he inserted his most dubious appropriations items and a long list of riders that he used to wreak vengeance on those who had displeased him. During the last few days of the session, Bill Heatly's bill, the size of a telephone book, would emerge from conference and be plunked down on the desk of every legislator.

"It took a creative legislator to seek out those obscure crannies where no favors were owed, and from which money could be extracted. . . . Ben Barnes set out to solve the financial crisis by hitting the consumers with a grocery tax."

Heatly had of course rewarded himself for the monumental effort required to write the telephone book. During the 1960s, several Heatly relatives moved on and off the state payroll, and by the time the 62nd session began, the family take amounted to about $200,000 in taxpayer money.

There were also Heatly monuments, like the Paducah Airport, beautifully paved and lighted at state expense. Paducah has a population of 2,000. Its inhabitants are mostly poor farmers, many of them retired. An airport there is as useful as a synagogue in Cairo. And yet, it did serve the interests of Bill Heatly, who commuted regularly between home and Austin by state airplane.

In the 1970 elections, Heatly was opposed for the first time in six years. He first faced Leon Williams in the Democratic primaries and then Republican Zack Fisher in November. Both opponents quickly learned that in opposing a man like Heatly they were risking much more than a political defeat. The day after Williams announced his candidacy, he was fired as director of the Quanah Chamber of Commerce. Quanah is, of course, in Heatly's district and several of Heat-

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ly's closest associates are powerful businessmen in the area. A few weeks later, Williams' wife was fired from her job with Texas A&M University. Her superior first asked for her resignation and instructed her to avoid talking to reporters. When she refused to resign, she was fired. "Conflict of interest" was cited as the reason for both dismissals. Oilman Charles Ford, a Heatly friend who had tried to pressure Williams out of running, showed no sympathy for Williams. "When a man runs for office," Ford told the press, "he ought to expect the roof to fall in on him."

Heatly's Republican opponent had no better luck. A few days after he announced his candidacy, a business arrangement between him and the First National Bank in Memphis, Texas, was terminated by the bank without warning or explanation. Officers of the bank later claimed that the arrangement was an unethical one. They did not explain why they did not realize this until Fisher announced his candidacy. It is interesting to note that the Memphis bank was controlled at the time by Barnes supporter Walter Mischer.

In 1967 the logs of state Department of Public Safety airplanes revealed that Heatly had obtained more free air trips from the DPS than any other legislator. Heatly vowed vengeance against the DPS for listing his name on the logs, a requirement of state law. The appropriations bill that emerged a few months later included a rider that limited the size of the DPS air fleet. Connally vetoed the measure, and the attorney general declared it unconstitutional. But Heatly was back the next session with a rider that not only limited the size of the air fleet, but also prohibited the DPS from using helicopters in traffic enforcement. Heatly gave no reason for this measure. "That's one of the main problems with Heatly," a legislator told me. "He's gotten away with so many ridiculous things that if he ever goes crazy or becomes senile no one will know it. This is probably the only place in the world where 180 elected officials can kiss the ass of a maniac and never realize it."

Members of the Capitol press corps have done a good job of exposing Heatly's activities. Unfortunately, their work is often overshadowed by the glowing tributes to a "dedicated public servant" that appear regularly on the Texas editorial pages. There are also the lobby groups that provide regular praise and vehement support. In 1969, the State Bar of Texas presented Heatly with a plaque "in grateful appreciation for his distinguished service to the people of Texas." A few months earlier, in the wake of the newspaper revelations about the number of Heatly relatives on the state payroll, Preston Smith, Ben Barnes, and Gus Mutscher rose as one to praise Heatly and defend him against the charges of impropriety. Preston Smith's interest in this regard was quite understandable—two of his brothers were also on the state payroll. Ben Barnes chastised those who were criticizing Heatly's relatives "because of their service to the state." He warned the press that if too much were made of the matter "innocent people could be damaged in the process."

My two-month stay in Austin during the 62nd session began in April, 1971. The minor business of the House droned on and on. Few of the members seemed to be listening. Most of them were slouched behind their desks, whispering into dictaphones, reading mail, or even dozing into their chests. Some of the younger male members were leaning back in their high swivel chairs, ogling the girls in the galleries. Bud Sherman from Fort Worth, wearing his traditional garb of a black suit, black shirt, and white tie, wiped the perspiration from his shiny scalp and snapped still another photograph of Representative Tommy Shannon. At the front of the room, beside the Speaker's platform, the members of the Capitol press corps sat in a line across their long table, doodling and yawning. The press table

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had been moved from the center aisle of the chamber just before the session began. The change was prompted by an incident near the end of the 61st session. Curtis Graves, the black representative from Houston who later became a member of the Dirty Thirty, had leaped atop the press table after Mutscher refused Graves' repeated requests for recognition. Relocation of the press table removed all possibility of Graves' placing himself above the rest of the membership.

Although the House coalition that opposed Mutscher and the rest during the session had begun with 30 votes and seemed to be steadily attracting more each day, the responsibility for continuing the fight had been left to a handful of representatives.

Among them was Sissy Farenthold, who had not been raised for such political warfare. She came from one of the oldest families in Texas and had been nurtured on all the modes and ideals of elite southern womanhood. After graduating from Vassar College, she took a step away from tradition by moving on to law school. In 1968, a few hours before the filing deadline, a friend suggested that she run for the legislature. She decided to try. She won the primary after a runoff and defeated a powerful Republican incumbent the following November. During her first term, she attracted considerable attention by being the lone House dissenter on a resolution commending Lyndon Johnson for his handling of the Vietnam war. Now she was in her second term. Surrounded by long-haired youths who were attracted by her interest in ecology, and by her 19-year-old political adviser, son Dudley, and bolstered by vitamin B-12 shots, she was going at it again.

Women in Texas are expected to remain in their place. And their place is not the floor of the Texas House of Representatives. Governor Smith had addressed the female representative from Corpus Christi, "Hey, Farenthold," throughout the 61st session.

"This is probably the only place in the world where 180 elected officials can kiss the ass of a maniac and never realize it."

Her fellow legislators showed their displeasure at her presence by repeating "*Gentlemen* of the House" as often as possible, with sly looks in her direction.

In addition to Mrs. Farenthold, the most active Dirty Thirty were Tom Moore, Lane Denton, and Tom Bass. Bass contributed organizational and analytical skills. He was a college professor from Houston and had once been a staunch ally of Gus Mutscher. Bass called it quits when Mutscher refused to explain his dealings with Sharp or allow an investigation of the SEC charges. He then turned his full attention to mapping strategy for the Dirty Thiry, masterminding one of the most incredible events of the session—the debate over Heatly's appropriations bill.

Bill Heatly's appropriations bill was scheduled for House consideration on Thursday, April 22. The Dirty Thirty met late the preceding afternoon to finalize its strategy. The bill had emerged from committee 48 hours before. It weighed about five pounds and ran 400 legal-sized, single-spaced pages. Madeleine Olds, a friend of Sissy Farenthold and, like myself, a Dirty Thirty volunteer, had combed through the Heatly opus for 48 hours, uninterrupted by sleep. She now briefed the Dirty Thirty on each dubious item in the bill. In some cases there was simply no explanation for the spending item. In others, the amount of the expenditure was obviously too little or too much. Almost

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all the items discussed that afternoon —and there were over 100—bore the unmistakable brand of a particular Heatly bias. Each item was assigned to a member of the Dirty Thirty to handle on the House floor, by either posing a question to the House leadership or submitting an amendment.

Something for Everybody

The appropriations bill was introduced immediately. Up to the microphone below the Speaker's platform went Mutscherman Raul Longoria to explain the first section of the bill. "There's nothing new in this section from other sessions," he said, and made a move as if to leave the microphone. "Just a moment, Mr. Longoria." Curtis Graves was at the back microphone. "Does the gentleman yield for a question?" Longoria hesitated, then nodded. "Among other unusual provisions," Graves said, "I notice that the bill includes a little item here for maintenance of airplanes of the Department of Mental Health and Mental Retardation. Now, that item seems to be three times the amount granted to that agency two years ago for that purpose. I was curious about the reason for that slight increase." Longoria stared at Graves, looked down at his notes, and then glanced wide-eyed at Bill Heatly. Heatly was hunched in his chair at the back of the chamber, staring down at the floor, "I . . . I don't know," Longoria said, still staring at Heatly. "I see," Graves said. "Does anyone here know?" There was silence. Then a little rumbling from the floor and many glances back at Heatly. Gus Mutscher rubbed his nose. "Very interesting," Graves finally said, and left the microphone.

"Does the gentleman yield?" Tom Moore had come up behind Graves. Longoria seemed frozen. "He yields," Mutscher said. "I have a problem also, Mr. Longoria. I refer to this item providing $20 million to the Department of Mental Health and Mental Retardation for new construction. I am unable to locate any information whatsoever as to what that sizable grant will be used for. I know that certain members of the Appropriations Committee regard this particular agency as most worthy, but I still think the people of this state are entitled to some explanation, don't you?" Longoria swallowed several times and again glanced at Heatly. "Yes," he said, "but I don't know." The buzzing from the floor had grown very noticeable. I glanced up at the galleries. Several visitors had stopped abruptly in the middle of departure and were returning to their seats. Molly Ivins of the *Texas Observer* came down from the press table to where I was sitting. "This is incredible," she said. "What in the hell is going on?" I told her. "Fantastic," she said. "How many amendments?" I told her. "Incredible," she said. "You know, the only time this bill was debated was two years ago and that was only for a couple of hours." She seized an extra copy of our game plan and ran back to the press table. Lane Denton tugged at my arm. "Look there," he said. "Heatly has actually gotten off his chair. Would you believe it?"

Sure enough. Heatly was making a rare standing appearance at the rear of the chamber. He was engaged in animated conversation with two other representatives, Richard Slack from Pecos and James Slider from Naples. They began taking turns at the front microphone, trying to defend their committee chairman and the House leadership against that long line of Dirty Thirty members at the back microphone. Slack tried to hide his frequent inability to defend particular spending items with lame jokes.

There was, for example, the $1-million appropriation for the LBJ State Park, a 269-acre tract across from the LBJ ranch that had already been landscaped, paved, and developed. Even though the park was in an out-of-the-way corner of Texas, the Parks and Wildlife Commission wanted to acquire more land for it,

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build guest cabins, concession stands, and put in greens and a bandstand at a cost of $750,000. The rest of the appropriation was allocated to such unexplainable items as "fees," "contingencies," and the like. Jake Johnson, the liberal-turned-banker, explained away the appropriation on Heatly's behalf. "Some slick-talking fellow came to this committee and said, 'I come to you with a heavy heart,'" Johnson cracked. He could not explain why the original $100,000 request for the park was hiked to $1 million by Heatly just after James Cross, Lyndon Johnson's former Air Force pilot, became head of Parks and Wildlife. Nor could anyone offer any justification for the item other than the gratitude of the people of Texas to their only President. (That justification seemed slim indeed after $20 million of Texas taxpayers' money went to build the LBJ Library at the University of Texas.)

Then there was that $5-million item for a veterinary school in Lubbock, Preston Smith's hometown. The Heatly team was advised by John Bigham of Temple that experts believed existing veterinary schools to be sufficient to serve the needs of Texas for the next 50 years or so. Delwin Jones, the Mutscherman from Lubbock, defended the item by claiming that most veterinarians were specializing in small animals. "Have you ever seen a sick cow?" asked Jones angrily.

By now, Slack and Slider had been joined at the front of the chamber by Heatly, a dozen members of the Appropriations Committee, and the staff of the Legislative Budget Board, the supposedly non-partisan agency that drafted the budget for Heatly. These state employees hovered around the appropriations chairman and scurried in and out of the chamber at his command, lugging piles of records from their offices for Heatly's inspection. But time and again, Heatly's representative at the microphone turned to him for help, only to find the entire crew leafing through documents and shaking their heads helplessly.

Tom Moore zeroed in on a total of $6 million in appropriations to create two new museums. One, an archeological museum at Clarendon, was explained with: "I guess there are a lot of old bones there. I'd appreciate your voting for it." A $5-million favor. The other museum was planned as an exhibit of the history of the oil industry. When the museum had been authorized by the legislature two years before, the House was told that the industry would sponsor it and that it would cost the state nothing. Now, Tom Moore was told by Carl Parker: "Well, it's gonna cost $2 million and they're gonna pay $1 million. If we don't come up with the other million, we'll be throwing away their generous contribution. Do you want to be responsible for throwing away $1 million?" The museum was destined for Parker's district.

James Slider admitted responsibility for appropriating $220,000 for something called a moss-cutter. The provision inserted by Slider made clear that the moss-cutter was to be used exclusively on Caddo Lake, where Slider has a residence. In defending the item, Slider told the House how difficult it was to fish and water-ski on his lake with so much moss around. A few days after the appropriations bill passed, with Slider's moss-cutter provision intact, the citizen who had initiated the request wrote to a Capitol newsman that his request had been for $60,000, that this amount would remedy the Caddo Lake situation, and that he had no idea why Slider added an extra $160,000 unless it was to purchase two and two-thirds additional moss-cutters.

The debate ground on. But there were signs that the revelations as to what the bill contained, as to Heatly's inability to defend so many of those provisions, were taking a toll. The Dirty Thirty were discovering that there were swing votes in Mutscher's usual majority of 120 and more. On

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votes to table those amendments, the red lights were climbing to 40, 45, sometimes to 50 and more. The Dirty Thirty was making its first real dent on the establishment machinery since the challenge of the first Farenthold resolution.

New Bones for Old

Even more apparent than those vote totals were the helpless stares, damp and stumbling tongues of the men who were deciding the fate of the people of Texas for the next two years. Rex Braun from Houston asked why Heatly was spending over $1 million on controlling wolves and nothing to control the rats that were killing children in Houston. Braun's amendment to provide for rat control and eliminate wolf control was tabled. Lane Denton, moved by appeals from the people suffering from a fatal kidney disease that takes the lives of 500 Texans each year, submitted an amendment to appropriate $500,000 with which to acquire the machinery to save those lives. "Surely, if you can use $5 million of the taxpayers' money to exhibit old bones, you can spend one-tenth of that to save bones that are living now." His amendment was tabled, 112-30. Nearly half of the money Denton requested could have come from eliminating Heatly's $111,000 for researching ornamental shrubs and his $120,000 for studying cotton-gin trash.

As usual, Heatly's generosity to pet projects and political allies was balanced by extreme tight-fistedness toward agencies in his disfavor. Aid to Dependent Children received the same allotment as two years before, even though experts found it grossly inadequate, and even though the number of needy children had increased significantly during those two years. The Mass Transportation Commission, created in hopes of finding some cure to the highways and autos that threatened to overrun the state, was treated most harshly. The annual salary of its director was cut from $22,000 to $12,000 and of its assistant director from $18,000 to $10,000. Heatly undoubtedly realized that qualified and experienced people would not work for that price. But the Texas Good Roads Association was one of Heatly's staunchest defenders, and that group was very much opposed to anything that might interfere with the highway program. The Heatly budget allowed $1.3 billion for highways, one sixth of total state spending.

At 11 p.m. on April 22, the Heatly appropriations bill, five pounds and $7 billion, was passed by the House with only 24 representatives voting against it. Battle fatigue had wiped out one fifth of the Dirty Thirty before the final vote. The debate had lasted over 12 hours. Close to 100 amendments had been introduced, although the official number was listed at 68. Only 15 of these had passed, most of them insignificant, and almost all of them introduced by members of the House majority.

The appropriations bill was soon referred to a House-Senate conference committee. Although some of the most ridiculous Heatly items had been reduced in amount, the committee had managed to add $81 million to the House bill. Not all the additions came from Heatly. State Senator A. R. "Babe" Schwartz managed to slip in an $800,000 item for the purchase of the Stephen Austin Hotel, which was owned in part by Moody and had been losing money for years. Noticeably absent from the conference bill was the provision requiring state airplanes to keep passenger logs. Mutscher allowed a total of 20 minutes of debate on the conference bill before it was passed by the House.

The Fat Chicken Attack

The appropriations debate proved to be a turning point. In the first place, it solidified the Dirty Thirty and even won a few converts to the rebel cause, including several borderline members of the Capitol press

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corps. Perhaps more important, it removed the battle in the House from the stock-fraud arena where Texas publishers had been most reluctant to venture, and therefore, in effect allowed Capitol newsmen greater opportunity to report the conflict between Mutscher and the Dirty Thirty. Coverage of rebel activity slowly began to increase and move from the dark corners of Texas journals onto the front pages. The Dirty Thirty were becoming respectable. Previously unshakeable Mutschermen were privately expressing their doubts and their embarrassment. Members of the House were forced to reavow their allegiance by signing a scroll honoring Mutscher on Speaker's Day. Although only about 20 refused to sign—all members of the Dirty Thirty—many of those who went along resented being pressured into taking a stand. And on the House floor, although the votes remained about the same, the asides against Mutscher from Curtis Graves were now received with much greater appreciation by Mutscher's supposed defenders.

During the last few weeks of the session, it all began to have a noticeable effect on Mutscher's demeanor. Now, rather than ignoring a demand or accusation from the floor, he would pale or wince. He absented himself from the chamber more and more frequently, turning the gavel over to Tommy Shannon or DeWitt Hale. Often he departed with gritted teeth, obviously enraged over the persistent demands from the Dirty Thirty. Mutscher still had more than a hundred state representatives riding with him to the end. But the road was becoming increasingly laborious.

"I'm going to get Tom Bass if it's the last thing I do," he told Harris County Commissioner Jamie Bray in late May. "He's been a chicken-shit from the beginning." And a few months later, Mutscherman Delwin Jones introduced an amendment to a college aid bill that would prohibit state representatives from teaching at state-supported colleges. Tom Bass is, of course, a college professor, teaching at a state university. He has 10 children and is not wealthy. The amendment was so obviously aimed at him that even the staunchest Mutschermen balked and it was soundly defeated.

There was another way, though, to get the Dirty Thirty. On May 28, 1971, three days before the end of the 62nd session, Mutscher and his henchman, Delwin Jones, unveiled their House redistricting plan and placed it on a little easel near the front of the House chamber. One by one, the members gathered round. First came the gasps, then the laughter, and finally the shaking heads and little smiles. More than half the members of the Dirty Thirty had been placed in districts with each other and most of the others wound up in districts composed of voters clearly antagonistic to their political philosophies. Seven would slip through only because they came from metropolitan districts that could not be altered. On the other side of the fence, only eight of Mutscher's more than 100 supporters

The Texas OBSERVER

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were paired with incumbents.

To effect this incredible result, county lines, voting precincts, natural boundaries, and socio-economic distributions were completely ignored. McLennan County, for example, has the right population for two state representatives. But the two representatives from McLennon were Lane Denton and Tom Moore, and a priority item for the House leadership was to force those two upstarts to run against each other for reelection. This was a formidable task since Moore and Denton lived at opposite ends of the county. Mutscher took the urban cores of McLennan and extended a large blob from each side to create one-representative district No. 35. The result resembled a fat chicken, with Denton's house at the end of the beak and Moore's at the tip of the tail. The rest of the voters in McLennan were tacked on to two rural districts. County officials estimated that Mutscher's plan would require revising almost every voting precinct in the county.

"I want y'all to come up and visit Tom and me," Natalie Moore said after the session. "Our house is really easy to find. Just go north from Austin and follow the redistricting map. The first bump is Lane's house and the second one is ours."

The amendments to the reapportionment bill from the Dirty Thirty were defeated one after the other. But the margin of loss had narrowed significantly since the appropriations debate. Tom Moore's amendment to return McLennan County to its two-representative status received the highest total—65 votes. Halfway through the debate, Curtis Graves introduced an amendment to extend Mutscher's district to include the Sharpstown bank. When the laughter came, Gus Mutscher, already frazzled, turned the gavel over to Tommy Shannon and retired from the chamber. But the map was still sitting there on the easel, and it was being mightily defended by 90 or more elected officials who would later pass it into law.

Delwin Jones was Mutscher's architect. During the debate, he admitted under cross-examination that he had read none of the court rulings or opinions of the attorney general that set the redistricting guidelines he should have been following in drawing that map. A short time after the session ended, Jones told a group of Texas businessmen what was already obvious: that he had done his "dead-level best to eliminate liberal House members," and accused liberals of being the most dangerous threat in government because "they'll give away your tax dollar."

On Saturday, May 29, 1971, the House redistricting bill was passed 90-51. A delegation of five Dirty Thirty members had already met with Ben Barnes and requested that he block passage of the bill in the Senate. Barnes refused. The possibility of a veto by Governor Smith was almost nonexistent. Smith and Delwin Jones were good friends, and of course a large part of Jones was in that bill. The hope now was that the courts would rule the bill unconstitutional.

At the time the House redistricting bill was passed, there were two days remaining in the 62nd session. The House leadership had yet to perpetrate its final insult on the people of Texas. Theoretically, the "Local and Consent Calendar" is a listing of minor, uncontested bills periodically presented to the House and quickly passed by a voice vote. The bills are not debated and are seldom amended from the floor. They fly through the House machinery so quickly that the Speaker can obtain approval for any action he wishes without anyone on the floor really knowing what has happened.

The Knock-Off Revolt

The leadership of the 62nd session did not begin to use a consent calendar until 10 weeks after the session began. On May 30, the consent calendar contained 102 Senate bills, one tenth of the total Senate bills

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introduced during the session. Some were very important and controversial measures.

The real activity, of course, was going on behind the scenes. Mutscher and the lobbyists were preparing for those last few days when all the banking bills and drug bills and who-knows-what would roll through the House to the staccato beat of Gus Mutscher's gavel.

A seldom-used House rule provided that five members could remove any bill from the consent calendar by presenting to the Speaker a written objection with their signatures, a so-called "knock-off slip." Tom Bass had 102 knock-off slips inside his desk, one for each bill on that afternoon's calendar. Joining with him to sign those slips were original members of the Dirty Thirty or proud converts. As each bill was called by Mutscher, Tom Bass announced the objection and brought the slip to the Speaker's platform and Mutscher removed the bill from the calendar. The first few slips were received with puzzled looks from Mutscher and most of the members on the House floor. Slowly, understanding began to creep through the chamber. A loud murmur erupted from the floor and Mutscher leaned over his gavel. A Mutscherman pushed past Tom Bass at the back microphone. "As a matter of inquiry," he said, "I wonder if someone can tell me how many knock-off slips these people are holding." Bass slipped back to the microphone. "I'll answer that gladly, Mr. Speaker," he said. "We started out this afternoon with 102 slips and we intend to use every one of them until some sanity is restored to these proceedings." The murmur became an angry roar and several Mutschermen near Bass advanced toward him menacingly. Roy "Nick" Nichols, from Houston, rose slowly from his chair and went to stand beside Bass. The presence of the former steelworker had an immediately discouraging effect, and the Mutschermen turned away.

Mutscher could have overridden the knock-off slips with a two-thirds vote on each bill. Apparently under advice from his brain trust on the floor, he declined to do so. Instead, the House spent the next two hours watching each bill on the consent calendar come up for consideration and meet the same fate as its predecessors. In the waning hours of the session, Gus Mutscher made his first serious appeal to the people of Texas. The rare Mutscher press release read in part:

> This demonstration by a few members who were unable to sell their viewpoint to a majority of the House members on redistricting is a perfect example of their conduct during the session. This temper tantrum is rather like a child who cannot have the game played his way and then proceeds to tear up everyone else's toys.

Mutscher also seized the opportunity to reveal a new concern for legislative reform: "Several measures on the calendar were the result of a great deal of time and study by the Senate General Investigating Committee," he said in the release. "As I have stated previously, these reforms in the banking laws have been long overdue."

Tom Moore of the Dirty Thirty had risen at a moment when emotions on the House floor had been stretched taut in every direction. From the majority, there was fury over the knock-off slips and elation over what was seen as political redemption by Mutscher's press release and an address by one of his allies. On the other side, there was the Dirty Thirty's satisfaction of their last bold move, tempered against the nagging fear that Mutscher might somehow pull a final deception on the people and successfully paint himself as a true public servant. As a practical matter, that possibility was remote.

"We have been in session 149 days," Moore said. "I'm sure that each of you recalls that for at least 115 of those days we sat around here doing nothing. These are not local bills and they obviously don't belong on the consent calendar. We're not concerned

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about our personal problems. We simply want to call the attention of the people of Texas to the way this House is being run." Loud applause came from the gallery and Mutscher raised his gavel. But Moore went on, raising his voice above the noise. "We of the Dirty Thirty are perfectly willing to sit here nonstop until midnight Monday, fully debating these bills and weeding out the kind of legislation that brought that scandal to Sharpstown and to the government of this state." He whipped his sheet of notes off the lectern, crumpled the paper in one hand, and stalked from the floor.

Honoring the Boston Strangler

Now there was no holding back. Fifty House members were on their feet, clapping and shouting. Outside the rail, aides and secretaries joined the ovation deliriously. And up in the gallery, very few people had remained in their seats. After the first emotional outburst, several Mutschermen rose to their feet, turned toward Moore, and applauded him with surprising enthusiasm. And on the Speaker's platform, Gus Mutscher, Jr., tentatively raised his gavel, glanced around the chamber, and then lowered it slowly to his side.

For the rest of the day, bills were introduced and considered individually. There were only a few angry incidents. One of these came when Gus Mutscher stationed armed state troopers at every door to the House chamber. In a scathing point of inquiry, a Dirty Thirty member castigated Mutscher and demanded removal of the guards. "Do you intend to use armed force against elected officials of this state?" Mutscher made as if to reply, hesitated, and then merely shrugged. The troopers disappeared.

The anger and tension were gone. There was just that pile of bills, just that relentless plodding through the last hours of one of the most turbulent legislative voyages in Texas history. Many of the most crucial bills of the session were passed that day—election law revisions, the appropriations conference bill, a motor vehicle inspection law, the conference ethics bill (such as it was).

Several bills were still sitting on Mutscher's desk, and the Senate had not yet coughed up a bill for its own redistricting or for reapportioning U. S. congressional districts. To solve the problem, Mutscher simply sent a henchman up to the gallery to set the House clock back an hour. A young newswoman from a Dallas radio station had perched herself beside me on my riser, beneath all the television equipment. "Look," she gasped, "can they change the clock like that?" I looked at the Mutscherman, dangling over the edge of the gallery. "Sure they can," I told her, "it's their legislature—for now, at least."

Ben Barnes notified Governor Smith that there was no way the Senate could come up with the redistricting bills. So Smith notified the legislature that there would be a short special session to deal with congressional redistricting. The special session lasted four days, and in addition to passing the redistricting bill, the legislature found time to honor Tommy Shannon, Joe Shannon, Rush McGinty, Sonny Shulte, and Audie Murphy.

(During the 62nd session, the Texas House passed a bewildering array of these "congratulatory resolutions," praising such diverse personages as former Presidents Truman and Johnson, the Texas Junior Miss, the Girl Scouts, the Boy Scouts, the Odem Ukulele Players, almost every class of almost every public school in Texas, the Capitol City Little Dribblers, and Gus Mutscher. The Dirty Thirty even slipped through a resolution praising the Boston Strangler for his efforts at population control.)

Meanwhile, Mutscher invited one of his allies, Johnny Nelms from Pasadena, to entertain the 150 representatives and the crowd of visitors with a song. After expressing his

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gratitude to Mutscher for making his dream come true, Nelms pulled out his guitar and sang a song of his own composition. It was called: "Everything You Touch Turns To Dirt." The Dallas newswoman tugged at my sleeve. "Is it always like this?" she asked me. Finally I just shrugged and gave her a tired smile. At the sound of Mutscher's gavel, I turned back to the House floor. The session had ended.

Mutscher's Defeat

On August 2, 1971, state Judge Herman Jones voided the House redistricting plan. Jones took great pains to point out that he did not consider himself an "activist judge." Yet, he ruled, "whatever we do, we still have to do our best to do it in the constitutional way." Attorney General Crawford Martin appealed the ruling and Jones was upheld by the state Supreme Court. This meant that a new plan would be devised by a special redistricting group, which, because Barnes hadn't gotten reapportionment through the Senate, was already working on a new scheme.

On September 23, 1971, a state grand jury in Austin indicted Gus Mutscher for accepting a bribe. Indicted with him were Tommy Shannon and Rush McGinty, both for conspiring to accept a bribe, and state Insurance Commissioner John Osorio, for submitting false information to the Insurance Commission. After obtaining a press release on bond, Mutscher told the press that "the big fish are still swimming" and that the indictment was "a politically motivated thing, designed to destroy me politically and completely destroy my future."

When the *Houston Chronicle* demanded Mutscher's resignation after the indictments were handed down, the story hit the front pages throughout the state. When Mutscher refused to step down, most articles dwelt more on the Dirty Thirty than on Mutscher. The sun was definitely breaking through for the "suicide" politicians, who had been chided and belittled for refusing to play the old, corrupt games.

Gus Mutscher, Tommy Shannon, and two of Mutscher's aides were convicted of bribery by a state court in Abilene on March 15, 1972. The appeals are now pending. Both Mutscher and Shannon were defeated in their bids for reelection to the House, while Heatly was successful. Meanwhile, an estimated 60 House candidates endorsed by the Dirty Thirty won election. Lane Denton estimates that another 15 House members will join his reform caucus next year, giving the Dirty Thirty close to a majority in the House of Representatives.

Sissy Farenthold had filed as a candidate for the Democratic gubernatorial nomination. Despite a severe dearth of funds and an oftentimes disorganized campaign organization, she defeated both Governor Smith and Lt. Governor Barnes in the primary elections, winning a run-off spot against millionaire-rancher Dolph Briscoe.

In Briscoe, Mrs. Farenthold faced a man she called "a member of the same political school as the others, just from a different graduating class." He had the support of the Austin lobby and a seemingly endless supply of campaign funds. In the primaries, he had won 44 per cent of the votes to Farenthold's 26 per cent. Briscoe had picked up most of the votes cast for Smith and Barnes, as expected. Nevertheless, Sissy Farenthold had given it everything she had.

On the night of June 3, 1972, Sissy Farenthold stood on the steps of her Austin campaign headquarters, surrounded by lights and cameras and microphones. It was her first political loss and there were tears in her eyes from the disappointment. There was also a very deep and very bitter hurt on her face. She had intended to concede the election from those steps. But in the end, she just couldn't do it. "This journey has not ended," she said.■

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TIDBITS and...

The Most Compelling Case for No-Fault

Buried in a section of short news items in *The Washington Post* was the best evidence for the advantages of no-fault automobile insurance yet discovered. After two years under such a law, Massachusetts' compulsory auto insurance rates have been reduced by 70.2 per cent. Because of a recent court decision upholding a large cut in compulsory rates for 1972, the *Post* said, auto insurance costs in Boston will decline from a high of $117 a year in 1970 to $47 this year.

Nuking Vietnam

It was the nuclear bomb, in a way, that made it possible to send 500,000 U. S. troops into Vietnam. The country saw the escalation of a half-million soldiers as a moderately restrained response, but we never would have reacted that way without nukes lurking in the background as the reckless alternative, the Goldwater alternative, thus expanding the limits of sanity.

But since the massive troop build-up in 1965, we have hit Vietnam with the equivalent of 22 Minuteman warheads, or—if you want a figure with a horror quotient you can get a grip on—450 Hiroshima bombs.

The Helicopter Stethoscope

Intelligence about the yearnings of the South Vietnamese people has always been a thorny problem, and U. S. officials have continually been forced to revise their methods of measuring feelings and allegiances at the grass roots. Vice President Agnew achieved yet another breakthrough on his latest trip to the Far East, as evidenced in his May 19 report: "One point I do want to emphasize about South Vietnam; this was a different South Vietnam than what I found in my other two visits. There is a sense of confidence in the representatives of the government. As I choppered over Saigon, I have never seen it look as relaxed as I did this time."

OUTRAGES

Windfall for the Banks

In the "Canceling the National Debt" article in the May *Washington Monthly* we described the federal tax and loan account arrangement by which money is deposited in non-interest bearing accounts at private banks until it is called to Washington. Somewhere between $4 billon and $6 billion a day in free money is thus given to banks for loans, providing a windfall subsidy of at least $230 million a year.

Rep. Wright Patman recently named the banks that benefit most from this federal gratitude: "At present," he said, "102 of the Nation's nearly 14,000 commercial banks hold 44 per cent of the Treasury's tax and loan accounts. The 50 largest banks hold more than one third of all such deposits."

Patman went on to show that the very same banks that were pushing for the government to bail them out by guaranteeing Lockheed's debts were at the same time holding $1.4 billion, or six to seven times the amount of the guarantee, in the free money. Those banks, and the amounts in their tax and loan coffers, included: Banker's Trust, $71.6 million; Bank of America, $149.7 million; Chase Manhattan, $177.3 million; Chemical Bank, $102.5 million; First National City, $139.5 million; Security Pacific National Bank (Los Angeles), $109.9 million.

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The Perfect Little Set-Up

a review by Suzannah Lessard

When we were little, my cousin Ben and I played cards often with our Great-Great-Aunt Alida. In her bedroom, which was encrusted with religious objects, she and we would cheat hard at Casino and Euchre. We had to join forces in order to outcheat her, finally hitting upon the device of getting her to sit with her back to the mirror so that we could get glimpses of her hand and anticipate her cheatings, but even then it was a tight battle. There was no reverence on our part, or condescension on hers, during these games; we would contradict, accuse, gloat, and bicker like the most familiar contemporaries. As time went on we were replaced by younger members of the family, and they in turn by the next crop, who say that in the depths of her age Aunt Alida became too sloppy at cheating to make it any fun and began to take losing so hard that the six-year-olds would let her win to be nice. But in my day it was good sport and more. In the silences of concentration as well as in the bursts of argument there was contact. The games were an encounter, an event in the day, and cumulatively an event in my life, as they were, I'm sure, in hers. We knew each other, and pretty well, as people who regularly cheat on each other do.

When even younger I had another and probably much more important relationship with my great grandmother. She lived next door and every morning I would run over and see her. I can't remember what we talked about, but every day we visited together. We went for walks in all seasons, and when she was laid up I would play pick-up sticks on the floor of her bedroom. Perhaps I gave her something: her husband had been murdered in middle age, and the adults who knew her say that from then on she had cut herself off inside from human contact and that our friendship was an exception. She gave me something, though I'm not sure what. I remember her face vividly, and the friendship exists like a pillar in the vagueness of early memories. She also gave me ginger ale and ginger snaps, just as Aunt Alida later gave us tea and cakes after cards. That was part of it.

I mention these two encounters because they are so different, indicating the range of relationships between the very old and the very young, and because the classic exchange between the extreme ages is, of all exchanges between the old and the non-old, so patently and uniquely rich. While attention in growing degrees is being focused on the physical condition of the aged—their poverty, lack of adequate medical care and suitable housing, and to some extent on the cruelty of their segregation from the mainstream—little

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serious consideration is being given to what it means to the mainstream to be segregated from them. Politicians invariably say in their declarations of concern with the issue of the aged, "we will all be old someday," as though caring for old people is a matter of charity and then a little more—preparing the ground for society to be charitable to you. All this is important. Hopefully it is simply a matter of time before the old are well provided for in this country. But the question of how each of us values the aged—what part in the social weave they form—is an entirely different question, not the prehistorical problem of the poor old, at last to be solved by the rich technological society, but a new problem bred by that society. The patterns of life the modern world has developed have caused such a fundamental dissociation between the old and non-old that most people, however much concerned with the physical welfare of old people, smile skeptically when you suggest that the old are actually desirable to have around. This cynicism, which like all cynicism, tends to cast any opposing suggestion as foolishly optimistic, blocks with condescension any exploration to the contrary. The relationship between the octogenarian and the small child, of a goodness which no one who has seen or experienced it can deny, is a stronghold from which to foray out at that wilderness of skepticism, both because of its self-evident value and because, as relationships go, it captures an essence of human exchange which is threatened in modern times right across the board.

Toward the end of her tome *The Coming of Age*,* Simone de Beauvoir writes: "In spite of the moralists' opinion to the contrary, in old age we should wish to have passions strong enough to prevent us from turning in upon ourselves. One's life has value so long as one attributes value to the life of others, by means of love, friendship, indignation, compassion." The book, which is an unevenly fascinating encyclopedia of information—anthropological, historical, biographical, sociological, medical—on old age is valuable chiefly in that it brings the state of being old out of the mist of phobic ignorance into live focus. Her biographies of people like Victor Hugo, the Tolstoys, and Lamartine in their later years portray people who were far from impassive and in no way living the diminished internal life we assume lies before us. De Beauvoir's comment about valuing others' lives is directed at the old person's attitude towards others, and indeed much of the book is intensely interesting from the point of view of learning how to be old and what to expect, knowledge which is denied us almost completely

*The Coming of Age. *Simone de Beauvoir. Putnam, $10.*

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in a world which recoils from age and death. But the admonition works both ways. It is the unwillingness to attribute value to the life of the old which glazes the eye with tolerance, or twitches one's nerves with intolerance when exposed to them. The result is a breakdown in the line of communication, a failure to engage a person openly and without prejudice, as independent and entire, that gift one can see employed in an almost pure state by those vastly different creatures (contrary to myth), the very old and the very young.

Assuming that the lines of communication between all kinds of people, but particularly between generations, are the life lines of a culture, to be tended carefully, the points of breakdown are worth the most serious attention. In another of her most incisive comments, de Beauvoir points out that through history, conflict between generations has taken the form of paying back; the young paying back the old, and the old the young, for oppression suffered in the past. This is as true for the father who domineers over his son because his father did so, as it is for the son, who, finally wresting authority from the father who held on to it for too long, neglects or mistreats him in his old age. The urge to pay back is one of the surest ways to cut the lines of communication.

Another way to cut the lines is to try to impose a character on someone else. A subtle form of this behavior can be seen in parents who treat their children as though they were projects, a treatment which most likely results in another cycle of paying back, the child of his parents and then of his own children. The extent to which the old have a character imposed on them—docility, propriety, minimum needs, asexuality—comes out repeatedly in remarks quoted by de Beauvoir. These tendencies have no doubt plagued human beings since the beginning of time: Through time people have evolved various arrangements to counteract them and keep the lines of communication intact.

The arrangement which has emerged here would seem, if anything, to be designed to accomplish the opposite. The modern colonial, split-level, and ranch-style houses which have cropped up to accommodate the expanding numbers are apt symbols of the new way. The new houses don't even face each other or merge their patches of turf into a common green. Each is a little world unto itself, a pudding mold of Mom and Dad, Dick and Jane, in living area, dining area, and den. There's no question that if Grandpa were brought into the capsule he would be an excessive burden, let alone maiden aunts, visiting cousins, eccentric uncles, or anyone who would not strictly conform to the dictates of the mold. Nor, unless there's quite a lot of money around, could any of these people easily live next door. Houses are clumped together according to size. You don't often see a one- or two-bedroom cottage next to a modern colonial; you have to drive quite far from the one-acre split-level area to get to the "lower income" region where the quarter-acre plots and smaller houses are bunched together.

If the setup is working as it is supposed to, if incompatible elements have been successfully resisted, that exclusion has a quasi-inevitable effect. Hidden beneath the placid surface of the pudding is a pressure cooker, two generations of four or five people living in close proximity, with little relief from each other. One can surmise the effect on the marriage partners. Another effect, more relevant here, is on the children. The children are both over-attended and under-attended—the closeness breeds the tendency to overly concentrate on the child and raise him or her in a preconceived image, and prevents that little distance which allows the parent to see the child as an independent person developing in an individual way. So when the children reach adulthood they've had it—they get out, never to come back, and any

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friendly observer would cheer them on, rightly certain that they desperately need to discover their own lives. Only years later does the larger pattern emerge. Dick and Jane are now living in their own molds, miles apart from each other—and miles away from Mom and Dad, who are old, now, and alone. There is no longer any connection between parents and children, because the lines of communication, damaged to begin with, and cut long ago in that necessary bursting out, were most likely never repaired. They live in separate worlds. And Dick and Jane III are growing up in new pressure cookers with no relationship to their grandparents, who might, if integrated into their lives, not only offer that special friendship between the old and young, but relieve the pressure of growing up with only two adults, a pressure which in turn is going to drive them out at the first opportunity.

The nature of the pudding mold is that the people living in it have minimum flexibility. There is no place inside or nearby for grandparents and the adjustment they require, nor is there room for anything to go wrong. A retarded child, a nervous breakdown, a physical handicap have no place either, and if they should unavoidably intrude, they create a hell. It's a set piece, and can only work if everything is perfect, which is a clue, perhaps, to the fanatical conformism typical of many American communities. Alien elements *have* to be feared because the set piece is both so fragile and so tight—so unrelaxed—that a person untailored to the mold cannot be absorbed without demanding such strenuous adjustment that total disintegration of the arrangement is threatened.

There are two levels to this issue—living arrangements and state of mind. As far as living arrangements are concerned, it may be especially easy to criticize Windsor Estates, which provides such a succinct example of a closed life style, but the same structure can be found anywhere in the great middle, among urban sophisticates as well as square suburbanites. In general, only the rich and the poor still keep the grandparents in the fabric of the family. One might say that the rich do so because they have the money to create comfortable setups, and the poor because they have no choice; that it comes down to financial determinants. If this is true, it's only because we have set things up so that it's true: all over Europe one finds cross-generation groupings of people.

In the end I believe state of mind—not arrangements which follow on state of mind—excludes the old from the mainstream and excludes us from the old. One way of putting it might be the tendency to build one's life like a little masterpiece. Whatever your idea of the ideal situation might be—the modern colonial or a pad in Greenwich Village—and whatever your status, single or married, parent or childless, with or without grandparents, the attitude and its effects are basically the same. The preoccupation

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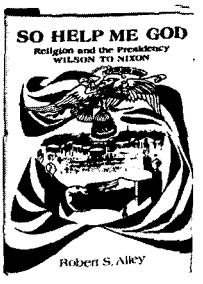

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with "my perfect little setup" cuts across lifestyles from the split-level dweller to those who despise his way of life and have chosen what they would describe as a more free-form, adventurous way of living guided by a higher set of values. Yet, most often, the situation shares far more with the spilt-level dwellers than many would care to admit. A carefully selected group of friends, belonging to a narrow age group, holding roughly the same interests form a world in effect closed. The incompatible person, whose presence cannot be avoided, becomes an interference first, and only secondly a human being. If grandpa called up and said he had nowhere to go, consternation would be the dominant response. His bothersome needs and constant presence would spoil things.

Since we all protect ourselves so well, this state of mind is like a disease of the nerves which shows itself only when aggravated by special circumstances. Single people might notice it in themselves when exposed to small children. They make noise, interrupt "adult" conversations, and restrict plans so that, however cute they might be, the bachelor sees them as an interference and wishes them away. The resentment, however mild, cuts communication between the bachelor and the child and blocks his mind from seeing that the child is a person, the very perception which would neutralize irritation. By the same token the bachelor might feel that undercurrent of resentment in a stolidly married group, as though he were a wild electron about to disturb all the neatly matched pairs, or as though a less-structured style somehow threatens to upset the domestic order. That shutter which closes one's mind to the individual is most readily triggered by old people. They instantly become members of a genus, typed as burdens, and therefore intrusions—people who mar the picture. They are perceived, at best, as inconveniences. As with children, the more deeply rooted the resentment and condescension becomes, the farther one is from recognizing that they are whole people, the only cure for the mental cramp that insists they are undesirable.

The effect on the old hardly needs detailing. If they have not literally been cut off from the rest of life by being put in an institution, the shuttered eyes they see all around them will cut them off as surely as if they had been sent away. Unless they are extraordinary people, they will stagnate, drop out, and thus fulfill all of their companions' worst fears of tedium and inconvenience. Or, if they can, they may seek communities which consist entirely of old people without children, rowdy teen-agers or the busy middle-aged around to ruffle their composure. The effect on those who do the shuttering is not so obvious. When one hears about old people purposefully choosing to go off and live, unbothered, with each other, the choice seems like the bitterest gesture toward life, an act of clamping the self closed in a blunt declaration of the pointlessness of living. Some who do so may be beating a necessary retreat from the crushing anonymity of existing among unseen eyes, but perhaps many are simply following an early-developed pattern of seeking carefully protected, homogeneous setups for themselves. Perhaps they have long lost the capacity for adjustment to, and interest in, stages of life different from their own. The pursuit by young and middle-aged people of the completely compatible arrangement without, among other nuisances, old people, is really the same kind of refusal to be drawn out of oneself, a severing of vital lines of communication which logically would lead the person who lived that way to seek a life of isolation among age peers when they are old. As anyone knows who has been away from the very old or the very young for a while, the first thing to go is flexibility. But the greater loss is the ability to meet people expectantly, the impulse to

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build the bridge and let the traffic flow as it may. The habit of using that impulse, which, like flexibility, quickly atrophies with disuse, is the habit of attributing value to the lives of others, the very quality de Beauvoir mentions as essential for the old themselves to maintain in order to make their lives worth living, and that seems so brutally rejected by the old who retreat into communities where they are safeguarded from the abrasion of other forms of life. There's no small irony in the likelihood that shuttered life in the perfect setup is among the worst imaginable preparations for one's own old age.

Ghandi and Senility

The point is not to like all old people, nor to use them indiscriminately to flex one's psychic muscles, but to meet them halfway, without condescension, for one's own sake as well as theirs. That they are "worth" this effort, worth knowing, is an argument which ultimately must appeal to faith against an ingrained skepticism. De Beauvoir's portraits of old characters, some dreadful, others magnetic, but all richly complex and struggling, reinforce that faith. From them one gets a sense of old age as a kind of essence of individual humanity, an often incredibly turbulent time of summation of all that the self has been, for better or for worse. Rather than a fading of contact with reality, old age seems for many of these people the most intense, unbuffered confrontation with it, where the consequences and value of what one has done with one's life are starkly apparent, unguilded, less malleable to pet delusions than ever before. De Beauvoir does not flinch from the painful aspects, the cruelty of natural decline, and the unbearably irrevocable nature of past actions and their outcomes, sometimes the direct result of character weaknesses, as in the case of Lamartine; sometimes, as in the case of Ghandi, a bitter twist of fate, never within control, but just as implacably final. The overriding effect of these entrees into particular old lives is not depression, however, but intense interest. One comes away not with a sense of reduced people, but of the old as one of the strongest ingredients in the human mix, without which youth and prime of life alone would make a blandly seasoned recipe. One comes out wanting to build bridges of communication to this tart stage of life and feeling that the aversion to doing so is the most counter-productive, self-coddling kind of squeamishness.

The bulwark upon which the faith that building and tending bridges to the old is worth it rests, however, not on evidence that some of them, at least are "interesting," but that in the spectrum of human relationships, those between people with a difference are among the most precious and often the most rewarding. For me, the draw between the small child and the octogenarian is a reference point, largely because I have experienced it and therefore value it and want it for others. Less abstract relationships which don't even include old people might also serve as a reference, however: the conceited ivy leaguer who finds he actually likes the shopgirl he has self-indulgently seduced, the sentimentalized but nevertheless real friendships that sprang up between widely varying types in the army in World War II, the unquestionably credible bond between Huckleberry Finn and Jim. In every instance the fact that the bond is made is a sign of health on both parts.

These points have all been made with the assumption that the old people who might be included in one's life are mentally complete. The habit of aversion to the old in general tends to lump the senile with the non-senile, the former somehow imbuing the latter with associations of frustration, blurring the fact that there is a world of difference between the two states—as much as if you yourself suffered brain damage or did not. The concept of a healthy old age, rather

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than a norm, is thought of as the exception. Senility, on the other hand, is not at all well understood; rudimentary research indicates that in many cases it is not the result of inevitable deterioration but of psychological causes, like discouragement and isolation, none assuaged by the assumptions of the people around them. However, it remains that old people's minds often do deteriorate to the point of non-communication and that the grandparent can be incapable of relationships with anyone, becoming chiefly a person who must be cared for. This is the point at which the inflexible household becomes really incapable of perceiving the old person as anything but an intrusive burden.

Self-Congratulatory Pessimism

The care of infants is usually not considered a burden to be resented, but part of the business of living. Most mothers admit that taking care of a little baby is a pain in the neck, more or less ungratifying until the child becomes responsive, unbelievably time-absorbing and disruptive of one's "own life." Yet it's done pretty much without question. While old people do not offer the promise of your own immortality or any of the other emotional investments people make in their children, it seems to me that their care is part of the business of living, in the same way; that rudimentary life is just as sacred at either end of the life line. This is where old European or rural American communities become especially pertinent, for no one person is saddled there with an old person, nor on the other hand, closeted alone with her babies. If a doddering grandpa is taken into the modern colonial, his care, except for occasional extras, is most likely to fall entirely on the wife, and he will consequently be a truly disruptive, sapping burden in her life. There is no double-jointedness, no interlocking hinges of community responsibility among the rest of the family, let alone the neighbors, to distribute the chore a little more evenly; no automatic sense that every grown person is son or daughter to every old person, just as they don't respond to the instinct to be the parent of every child.

Out of it all comes a spoiledness. We all get our backs up when people talk about the spoiledness of modern generations, but there's a grain of truth to the cliche and it's related to this fetid closeness, the perfect little world, over-concentrated on itself, bastioned against intrusion without room for the people pressed in it to really see and know each other. The children burst out, not looking back, but the atmosphere has spoiled their states of mind—they will make their perfect little setup, protect their freedom from imposition; they owe it to themselves. And so the play repeats itself with everyone the loser, a righteous self-centeredness the thief.

Coming of Age is not about the non-old relating to the old, but it makes one think in these directions. The book is a formidable collection of information on what the self and the world look like to those who are old. With a few exceptions, the author has not attempted to extract new ideas from her material, and where she does it is often with a typically French intellectual, rather self-congratulatory pessimism, which leaves one nowhere. For instance, shortly after the remark about the importance for the old of valuing the lives of others, she writes: "It is far better not to think about it [old age] too much but to live a fairly committed, fairly justified life, so that one may go on in the same path even when all illusions have vanished and one's zeal for life has died away." Why, one might ask. The alignment of materials, however, is not only a great service but rewarding reading in itself, a huge effort towards starting to recover that gift civilization seems to have lost somewhere along modern ways, those intimately connected abilities to feel at ease with the old age of others, and to learn to live it well ourselves.■

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POLITICAL BOOK NOTES

Public affairs books to be published in July.

American-East Asian Relations: A Survey. Ernest R. May, James C. Thomson, Jr., eds. Harvard, $15. These essays by 18 scholars offer both orthodox and revisionist points of view. Thomson's concluding piece is particularly fresh and thoughtful.

American Policy on the Division of Germany: The Clash with Russia Over Reparations. Bruce Kuklick. Cornell, $8.75.

Army in Anguish. Haynes Johnson, George C. Wilson. Pocket Books, $1.25. These articles are less impressive in book form, where their redundancies are more evident, than when they first appeared serially in *The Washington Post*.

Attica Diary. William R. Coons. Stein & Day, $6.95. Written in the first person by a convict, and covering a period of one year and three months from March, 1970, to June, 1971, this book paints a clear picture of life in the prison community, but the riot period is not included.

Communes, USA: A Personal Tour. Richard Fairfield. Penguin, $3.50.

Constitutional Change. Clement E. Vose. Lexington, $15.

Crime: International Agenda. Benedict S. Alper, Jerry Boren. Lexington, $7.50.

Drugs and the Public. Norman E. Zinberg, John A. Robertson. Simon & Schuster, $8.95. A generally comprehensive report on drugs, drug experimentors, and drug controls.

The Dying Dollar. Gerald Krefetz. Playboy Press, $7.95.

Eleanor: The Years Alone. Joseph P. Lash. Norton, $9.95. A complete account of the great lady's activities after her husband's death. Since much of the information is insignificant, except to real Roosevelt fans, the author's stylistic deficiencies, which tended to be obscured by the fascinating story told in *Eleanor and Franklin*, are unhappily apparent.

Essays on Population Policy. Edwin D. Driver. Lexington, $13.50.

Fat Cats and Democrats: The Role of the Big Rich in the Party of the Common Man. G. William Domhoff. Prentice-Hall, $5.95.

FDR. Finis Farr. Arlington House, $9.95.

Flower of the Dragon: The Breakdown of the U. S. Army in Vietnam. Richard Boyle. Ramparts. A fine, first-person account by a journalist whose internal changes mirrored those in the army he describes. He "loved" his first combat experience in 1965, but by 1971, was smuggling mutinous petitions from troops in the field to Washington.

The Great Executive Dream: The First Myth of Management Is That It Exists. Robert Heller. Delacorte, $7.95. Good cartoons and a nice title are about all this one has to offer.

How the Bureaucracy Makes Foreign Policy, An Exchange Analysis. David Howard Davis. Lexington, $12.50.

How to Start Your Own Private School—And Why You Need One. Samuel L. Blumenfeld. Arlington House, $9.95.

The Nixon Theology. Charles P. Henderson, Jr. Harper & Row, $6.95. The author, a chaplain at Princeton, examines the role of religion in Nixon's political life, including his stands against communism, pornography, abortion, and marijuana. Billy Graham's friendship is not taken as a sure sign of divine guidance.

Not Exactly A Crime: Our Vice Presidents from Adams to Agnew. Richard Curtis, Maggie Wells. Dial, $4.95. A glib series of one-liners, some funny, some not-so-funny, about the men who have held America's number two post.

Papers on the War. Daniel Ellsberg. Simon & Schuster, $8.95, $2.95. There is enough brilliance in this collection of articles to make us regret that the seductions of celebritydom and the persecution of the Justice Department have combined to keep the author from settling down to write the major analytical work on Vietnam that he is capable of producing.

The Paper Revolutionaries: The Rise of the Underground Press. Laurence Leamer. Simon & Schuster, $8.95, $2.95.

The Peter Prescription. Laurence J. Peter. Morrow, $5.95. With this book the author comes close to providing another illustration of his great principle. But there is occasional delight and enough real insight to make up for the phony profundity.

Political Science in Population Studies. Richard Clinton, William Flash, eds. Lexington, $11.50.

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The Reform of Power. Leonard Beaton. Viking, $7.95. A dry consideration of the possibility of implementing an effective, flexible, international security system without totally dismantling our present one.

The Running of Richard Nixon. Leonard Lurie. Coward, McCann & Geoghegan, $10. In an election year, political biographies are a dime a dozen. At $10, this critical look at the President's career is a little steep. Nothing new, either in information or understanding.

Sappho Was A Right-On Woman. Sidney Abbott, Barbara Love. Stein & Day, $7.95. Though not free of the humorless, rather shallow dogmatism which has plagued all fronts of sexual liberation, this book on being lesbian—what it was like, and what, with the slow discovery of self-worth, has changed—is intelligent and clear. A solid beginning towards understanding this grossly distorted subject.

The Shame of the Prisons. Ben H. Bagdikian, Leon Dash. Pocket Books, $1.25. *The Washington Post* collection is excellent, with vivid interviews and fine investigative reporting.

Strike! Jeremy Brecher. Straight Arrow, $7.95, $3.95. Despite the too obvious attempts to reach today's young radicals (black, close-fisted hands denote sub-chapters), this is a scholarly, well-documented account of the labor movement's major work stoppages.

Toothing Stones: Rethinking the Political. Robert E. Meagher, ed. Swallow Press, $7.95. Except for the first three essays, which tell the too-familiar tale of the politics of hope of the early 1960s turning into the politics of despair at the end of the decade, this book offers some provocative thinking about today's political ideas and attitudes and where they are leading us.

What's a Nice Girl Like You Doing in a Place Like This? Joyce Tietz. Coward, McCann & Geoghegan, $6.95. Discussions with 11 women who have put liberation into practice and built successful careers. Of the same timbre as the myriad magazine articles on the subject, this book nevertheless could be of use to women contemplating careers with trepidation or to men who are having trouble getting used to the idea.

Winning Elections: A Handbook in Participatory Politics. Dick Simpson. Swallow, $6. This "how-to-do-it" book on organizing and winning local elections is based on proven tactics employed by the author in his successful challenge of the Chicago Daley machine. Appendices and annotated bibliography are helpful additions.

World Population Policies: An Annotated Bibliography. Edwin D. Driver. Lexington, $30.

Tough crime fighter, keeper of the peace, community relations expert . . . Is it realistic to expect today's policeman to be all of these? Police chief Bernard Garmire, psychiatrist Jesse Rubin, and political scentist James Q. Wilson take a searching look at the role of law enforcement agencies in urban America. They call for major reforms in recruitment, training and organization of the police—and for changes in citizens' attitudes toward them. *$6.00, $2.25 paper*

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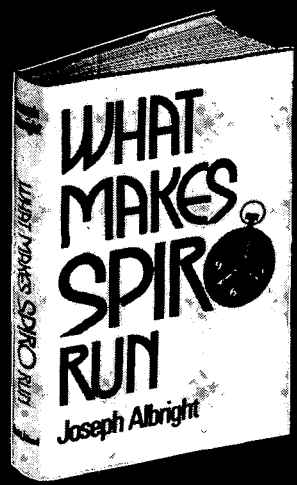

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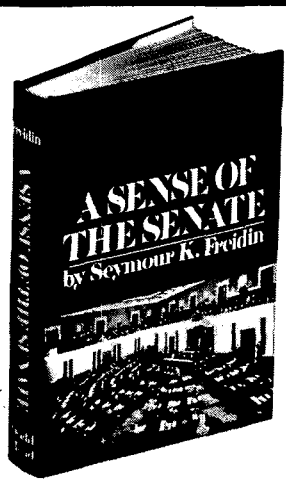

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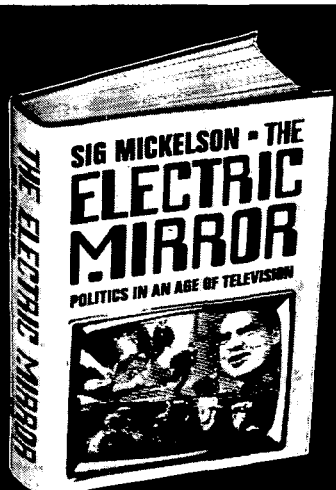

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